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INVESTIGATION OF JUVENILE DELINQUENCY IN THE UNITED STATES

OCTOBER 11, 12, 13, AND 14, 1954

Printed for the use of the Committee on the Judiciary



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JUVENILE DELINQUENCY

(INDIANS)

HEARINGS
BEFORE THE
SUBCOMMITTEE TO INVESTIGATE
JUVENILE DELINQUENCY
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
SECOND SESSION
PURSUANT TO
S. Res. 89

INVESTIGATION OF JUVENILE DELINQUENCY IN THE
UNITED STATES

OCTOBER 11, 12, 13, AND 14, 1954

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GOVERNMENT PRINTING OFFICE
WASHINGTON : 1954

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NOTE: The late Hon. Pat McCarran, while a member of this committee, died on September 28, 1954.

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¹ On file with the subcommittee.

² Printed in the record.

JUVENILE DELINQUENCY (INDIANS)

MONDAY, OCTOBER 11, 1954

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY
TO INVESTIGATE JUVENILE DELINQUENCY,
Fort Yates, N. Dak.

The subcommittee met at 10:20 a. m., pursuant to notice, in the high school auditorium, Fort Yates, N. Dak., Senator William Langer (chairman of the Committee on the Judiciary), presiding.

Present: Senators Langer and Kefauver.

Also present: Representative E. Y. Berry.

Also present: Peter N. Chumbris, assistant counsel to the subcommittee.

Also present: William V. Kastler, Office of the Solicitor, Department of the Interior; Ralph Maxwell, assistant United States attorney; William Mills, assistant United States attorney; John B. Hart, executive director, North Dakota Indian Affairs Commission; Robert A. Feidler, States attorney, Sioux County, N. Dak.; and Carlyle D. Onsrud, executive director, North Dakota State Welfare Board.

Chairman LANGER. Let the record show that the reporter has been sworn. Mr. Chumbris, will you make the opening statement.

Mr. CHUMBRIS. We are indeed happy to come to North Dakota and conduct a series of hearings in various parts of the State to learn of the facts and of the problems which confront the Indian population on and off the reservations. What we learn here will prove valuable to the subcommittee in making proper recommendations to the Congress of the United States of not only the problems of the Indians in North Dakota, but of the Indian population throughout the United States.

Our subcommittee has toured the United States on the problem of juvenile delinquency and we have held hearings in Washington, D. C.; Denver, Colo.; Boston, Mass.; Philadelphia, Pa.; New York, N. Y.; El Paso, Tex.; San Diego, Los Angeles, and San Francisco, Calif.; and we propose to hold hearings in Chicago, Ill.; Miami, Fla.; Washington, D. C.; and New York City.

These hearings deal with community problems of juvenile delinquency, special problems such as runaway children, comic books, television, radio, and movies as mass media's impact on youth, pornography and indecent literature, the international boundary, and the Indian youth, as will be brought out in these hearings.

We fully realize that congressional investigations of the Indian affairs have been held previously on many different topics.

We do believe, however, that this is the first time that a congressional subcommittee has come to the various Indian reservations in a State and attempted to learn of the facts from all of the parties concerned, namely, the Indians, and Indian leaders, the Indian Bureau, the Indian Affairs Commission, Federal, State, county, and city officials, the press, and the general public.

We further fully realize the problems are many and complex and that there is no easy solution. However, any problem, properly analyzed and properly treated can be corrected. To this end, we earnestly dedicate our efforts in these hearings. With the full cooperation of all of the interested parties involved, we can succeed.

Chairman LANGER. Are any of the Congressmen here from South Dakota? Is Senator Case here?

A telegram from Senator Mundt says that he cannot be here. We have also a telegram from Congressman Burdick:

I am sorry prior engagements make it impossible to attend the hearing at Fort Yates, October 11. Have implicit confidence in Hart and any program you work out will have my support.

Regards.

We have a telegram from Estes Kefauver. He will arrive in Bismarck at 6 o'clock Monday morning and will be driven down immediately. He ought to be here any minute.

However, these hearings were set for 9 o'clock in the morning, and we are going to start.

Is Mr. John Hart here?

We have the first assistant and second assistant United States attorneys here. We are glad to have them here to ask any questions they want to ask. Also we have Mr. Kastler here from Washington, D. C. He is the attorney in connection with tax matters and treaties.

Has he arrived yet?

Call your first witness.

Mr. CHUMBRIS. Mr. F. David Blackhoop, chairman of the Standing Rock Sioux Tribal Council.

Chairman LANGER. Mr. Blackhoop, you do solemnly affirm, do you, that you will truly and correctly answer all questions that may be asked you, so help you God?

Mr. BLACKHOOP. I affirm.

TESTIMONY OF F. DAVID BLACKHOOP, CHAIRMAN, STANDING ROCK SIOUX TRIBAL COUNCIL, FORT YATES, N. DAK.

Mr. CHUMBRIS. Will you, please, state your full name?

Mr. BLACKHOOP. F. David Blackhoop.

Mr. CHUMBRIS. What is your official position?

Mr. BLACKHOOP. Chairman of the council, Standing Rock, North and South Dakota.

Mr. CHUMBRIS. How long have you served in that capacity?

Mr. BLACKHOOP. Two years, and I have one more year coming.

Mr. CHUMBRIS. Mr. Blackhoop, we are interested in all questions and facts dealing with the Indian affairs and specifically as it applies to juvenile delinquency. Would you please state for the record your

manner of procedure with the tribal council? How often do you hold meetings?

Mr. BLACKHOOP. Once a month.

Mr. CHUMBRIS. And how many members are there of your tribal council?

Mr. BLACKHOOP. Fifteen, including myself.

Mr. CHUMBRIS. And how are the meetings represented? Are they well attended?

Mr. BLACKHOOP. Yes.

Mr. CHUMBRIS. What specific problems do you delve into at those meetings?

Mr. BLACKHOOP. Mostly local.

Mr. CHUMBRIS. Mostly local. Do you have anything to do with law and order on the reservation?

Mr. BLACKHOOP. I do not personally.

Mr. CHUMBRIS. You do not personally. And who are the police officers of your reservation?

Mr. BLACKHOOP. Mr. Murphy is the Federal policeman.

Mr. CHUMBRIS. Mr. Murphy.

Mr. BLACKHOOP. Special investigator.

Mr. CHUMBRIS. Is Mr. Murphy here this morning?

Mr. BLACKHOOP. I do not know.

Mr. CHUMBRIS. And who is the tribal judge?

Mr. BLACKHOOP. Judge F. B. Zahn.

Mr. CHUMBRIS. How do you elect your tribal council?

Mr. BLACKHOOP. We elect tribal council membership every last week in October.

Mr. CHUMBRIS. Every last week in October. What are the terms of their office?

Mr. BLACKHOOP. Two years.

Mr. CHUMBRIS. Now, Mr. Blackhoop, would you please state to the subcommittee and to the audience some of the questions and the problems that are brought up at the council meeting by members of your reservation, things that trouble them, things that they would like to see corrected in the administration of their affairs?

Mr. BLACKHOOP. The major importance at the present time is juvenile delinquency.

Chairman LANGER. Talk about anything. Sometimes the Federal Government passes the buck to the State and the State passes it back to the Federal Government and neither one is responsible for law enforcement in some instances. We want to know the entire picture and how it affects the children of the community and the people here.

Mr. BLACKHOOP. Juvenile delinquency due to the fact that there is no employment, no recreation, and economic unrest.

Mr. CHUMBRIS. Economic unrest?

Mr. BLACKHOOP. I think those three constitute the juvenile delinquency.

Mr. CHUMBRIS. What is the general nature of the source of income to the members of your tribe?

Mr. BLACKHOOP. We deal with land sale money, leases payment and some individual accounts.

Chairman LANGER. Mr. Mills and Mr. Maxwell, will you come here and ask what questions you want to. You represent the United States Government here.

Mr. CHUMBRIS. What other types of employment are the Indians engaged in in this reservation?

Mr. BLACKHOOP. We have relocation system set up by the Federal Government. Very few of them took that relocation system.

Mr. CHUMBRIS. Where do they go for their employment?

Mr. BLACKHOOP. Mostly to Chicago and Los Angeles, those two that I know of.

Mr. CHUMBRIS. Now, are those two that went to Chicago and Los Angeles satisfied with the nature of their employments?

Mr. BLACKHOOP. From the letter that we received it indicates so.

Mr. CHUMBRIS. It indicates that they are satisfied. Now, what other type of work do the members of the reservation engage in?

Mr. BLACKHOOP. Harvest type.

Mr. CHUMBRIS. Harvest type. And anything else? Any labor?

Mr. BLACKHOOP. Labor and this last few months more are employed in an oil refinery in Mandan.

Mr. CHUMBRIS. Now, does this employment continue for an appreciable length of time? Is it a short term or year-round employment?

Mr. BLACKHOOP. It is seasonal employment.

Mr. CHUMBRIS. Mr. Blackhoop, I understand that you put out a paper with comments?

Mr. BLACKHOOP. Yes.

Mr. CHUMBRIS. I notice in some of those comments that you bring up specific issues. Would you like to explain some of those issues that you have brought up in your newspaper dealing with the Indian problem?

Mr. BLACKHOOP. I can't specifically call on certain ones because they are all timely.

Mr. CHUMBRIS. They are all timely. Now, is there anything that you would like to say to comment on the type of the administration of law and order in Sioux County? Are you satisfied with the administration of law and order in Sioux County?

Mr. BLACKHOOP. There are certain things that bar coordination and cooperation between the county officials and the Federal.

Mr. CHUMBRIS. What is that that bars that cooperation?

Mr. BLACKHOOP. Either inadequate policies of law and order on the Federal side and on the State side there seems to be a lot of questionable barricades to cooperation between the law and order.

Mr. MILLS. Recently I read in that publication that you put out which I think is well written, that there was criticism of this recent ruling in regard to the tribal court being unable to take non-Indians into that tribal court. There was some criticism of that.

Do you think that the fact that the non-Indians cannot be brought into tribal court causes a lack of law enforcement?

Mr. BLACKHOOP. That is right.

Mr. MILLS. Do you have any suggested remedy for that?

Mr. BLACKHOOP. In this last Governor's Interstate Indian Council in a meeting in Sun Valley, Idaho, I recommended those things contained in my comments to be decided.

Mr. MILLS. Would you, please, explain them to the committee so that, if there is something that can be corrected in Federal legislation, that can be done? What do you suggest?

Mr. BLACKHOOP. I suggest that when a non-Indian person comes within the Indian country his conduct as such should be dealt with in our Indian court.

Mr. MILLS. Do you approve of the fact that there are no attorneys permitted to practice in tribal court? Do you think that will help?

Mr. BLACKHOOP. That will help.

Mr. MILLS. Do you ever have juries in tribal court?

Mr. BLACKHOOP. No.

Mr. MILLS. In other words, you want the people subjected to a court without a jury and without attorneys. Is that my understanding?

Mr. BLACKHOOP. Yes.

Mr. MILLS. And in those courts that do have juries are you aware that it only takes a majority, not a unanimous verdict, but only a majority to convict?

Mr. BLACKHOOP. Yes.

Mr. CHUMBRIS. Has your tribal council passed a resolution stating its policy as to law and order?

Mr. BLACKHOOP. No.

Mr. CHUMBRIS. You have never officially passed one?

Mr. BLACKHOOP. No.

Mr. CHUMBRIS. Then you are expressing your own opinions at this time; is that correct?

Mr. BLACKHOOP. That is right.

Mr. CHUMBRIS. Now, Mr. Blackhoop, we are going to have other witnesses going into the question of law and order. Are there any other comments that you would like to make at this time on law and order other than you have made?

Mr. BLACKHOOP. I am not prepared to.

Mr. CHUMBRIS. Are there any other problems that confront your people such as the settlement of claims or obtaining Federal loans and things of that sort, any inequities in the law that you would like this subcommittee to study and probably to make some recommendation to Congress? We are here to help you in your problems.

Mr. BLACKHOOP. I think there are some witnesses to be called upon this morning who are specifically going to recommend those things.

Mr. CHUMBRIS. You have other witnesses who will bring that out, is that correct?

Mr. BLACKHOOP. Yes. I think I fully explained my purpose and my policies and my suggestions in my comments.

Mr. CHUMBRIS. In your comments. Now, would you, please, submit to this subcommittee your publications for the past year as exhibits so that we will have a copy of all of those comments?

Mr. BLACKHOOP. Yes.

Mr. CHUMBRIS. Would you present them to us before we leave here today, if possible?

Mr. BLACKHOOP. Yes.

Chairman LANGER. Those documents will be marked "Exhibit No. 1," and filed for the information of the subcommittee.

(The documents referred to were marked "Exhibit No. 1," and are on file with the subcommittee.)

Mr. CHUMBRIS. Are there any other questions?

Chairman LANGER. I would like to have Mr. Blackhoop stay on the platform and ask any questions he wants to of any witness.

Will you call your next witness?

Mr. CHUMBRIS. Mr. Joe Wicks.

Chairman LANGER. Do you solemnly swear that the testimony that you are about to give in this pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WICKS. I do.

TESTIMONY OF JOSEPH WICKS, CANNON BALL, N. DAK.

Mr. CHUMBRIS. Will you, please, state your full name and your occupation?

Mr. WICKS. Joseph Wicks, Cannon Ball, N. Dak. My occupation is auctioneer.

Mr. CHUMBRIS. Mr. Wicks, do you have an official capacity dealing with juvenile problems in this area?

Mr. WICKS. Yes, sir.

Mr. CHUMBRIS. Will you, please, state what that official capacity is?

Mr. WICKS. I am the juvenile commissioner of Sioux County.

Chairman LANGER. Let the record show that Mr. William Kastler representing the Indian Department of Washington, D. C., is here. I believe Mr. Fiedler, the State's attorney, is here.

Mr. CHUMBRIS. Mr. Wicks, how long have you been a resident of Sioux County?

Mr. WICKS. Over 40 years.

Mr. CHUMBRIS. I imagine in those 40 years you have gained a wide degree of experience dealing with Indian affairs?

Mr. WICKS. Yes, I have.

Mr. CHUMBRIS. Mr. Wicks, supposing you state to the subcommittee some of the duties of your office and some of the problems that you have seen created on Indian affairs either from State, Federal, or Indian tribal regulations?

Mr. WICKS. Well, is that pertaining to juveniles, Mr. Chumbris?

Mr. CHUMBRIS. You can state specifically on juvenile delinquency and you can also go into the other factors that have some impact on juvenile delinquency or any question.

Chairman LANGER. Law enforcement, taxes, or anything else.

Mr. WICKS. We will take juvenile delinquency first, because that leads to the other. About 90 percent of my cases in the past 3 years have been Indian children. One thing that is very, very difficult for a juvenile commissioner in the State of North Dakota, where it is pertaining to Indian children, is that we have only one alternative, regardless of what the crime is, and that is to commit the child to the State training school.

We have no orphans' homes in the State that would take Indian children. Many of the cases are what you would term in the legal profession as not really severe delinquent juveniles, but due to broken up homes, marriages, divorces, and what have you, the child becomes delinquent, the parent can't handle it, and it winds up in the State juvenile court.

Now, so far I would say that 75 percent of the children that come into my court are children of mothers who are obtaining ADC, which is both a Federal and State program, and when you go into the case you hear the child's side of it, and you hear the mother's side or the father's side if there is a father. And it seems to be that in a broken-

up home the child is the last little human being that is to be taken care of.

It makes it very, very difficult here in North Dakota where we don't have a place to put children, especially of Indian extraction, for homes. Personally, I feel very, very reluctant to send either a boy or girl to a State institution such as a training school, because it will mar the child the rest of its natural life, and if it hasn't committed a crime against so-called American society, certainly it doesn't have any business being in that type of institution merely for a home.

I checked my docket before coming down here this morning. Under the State statute of North Dakota, either the father or mother, whichever one is in charge of that child, has a right to release that child to the juvenile court. In the past 6 weeks here in Sioux County, N. Dak., they have released 19 children to me.

One family alone consisted of 6 children; another 1 consisted of 5. The 6 children I have in a home in Fargo. The home will be paid through the child welfare program.

It is very, very hard to place a little Indian boy or a little Indian girl into a private home within the State of North Dakota. We have the right to do that under the State statute, and the home if it is approved by the State welfare setup—the child branch of the welfare setup will be given what we call or what is known under the law as foster home care; that is, the home will be subsidized for taking this child.

Within Sioux County we have no approved foster home where we can keep these children within the confines of this county or so-called reservation. Therefore, we are just forced to put them out in the State and we were just successful in getting the six little ones all together. They are not out for adoption because, personally, I feel in a year or two this home will be reunited and the court will then put the children back with the father and mother where they belong.

Mr. CHUMBRIS. May I interject something there?

Mr. WICKS. Yes, sir.

Mr. CHUMBRIS. At the beginning, Mr. Wicks, would you, please, state in your opinion which are the fundamental causes of juvenile delinquency in Sioux County?

Mr. WICKS. Broken up homes.

Mr. CHUMBRIS. Name the ones besides broken homes. What other cause would you say?

Mr. WICKS. Crime is at a very, very low ebb. I would say it is less than 2 percent of actual criminal laws violated amongst the juveniles.

Mr. CHUMBRIS. Yes.

Mr. WICKS. But broken homes is the cause of juvenile delinquency. Personally, as I stated before, Mr. Chumbris, I personally do not feel as the juvenile commissioner that these children are delinquent. They are neglected, in my way of thinking, by the father and the mother due to different causes.

Mr. CHUMBRIS. Then you would say parental neglect is another cause?

Mr. WICKS. That is 95 percent of the cause.

Mr. CHUMBRIS. Now, are there any other factors such as lack of recreation, too much leisure time, improper health, welfare, and educational facilities? Would you comment on those?

Mr. WICKS. Well, I would leave health and welfare out because we have a hospital here which is operated by the United States Govern-

ment. It is not for me to criticize that as a juvenile commissioner. Recreational facilities here in the town of Fort Yates itself are fairly ample. So I wouldn't blame them.

It is mostly the cause of—well, to be very, very frank with it, liquor causes arguments at home and the next thing you know the home is broken up. There is a very serious problem which has broken out within the past 6 weeks in Sioux County which is going to affect children very very seriously in the coming years unless the Congress of the United States and the legislators of North Dakota change the statutes and that is that certain wives now have found out that the laws of North Dakota are that if a husband is committed to a penal institution which is only one alternative, the State penitentiary, she can receive ADC. And so, therefore, they are starting to commit husbands on grounds of nonsupport. Personally, I think that has a very, very bad tendency.

Chairman LANGER. Let the record show that our friend Congressman Berry of South Dakota has arrived.

Mr. WICKS. It will cause a tendency to create more juvenile cases in the courts.

Mr. CHUMBRIS. Mr. Wicks, would you explain the term ADC so that the people in the audience will understand that term?

Mr. WICKS. Well, the law itself was passed in the thirties. I think it became effective in 1934 or 1935. That was Aid to Dependent Children. The intent of the law was very good. In case a man died, or if the woman died, the mother of the family, he could not support his family without leaving them or breaking up his home, the Federal Government through social security funds allocated 50 percent of the needs of that budget to the State in which the person lived. The State, in turn, matched that on a budget basis, and then they were given a check monthly according to the budget that was set up by the child welfare worker for the support of this mother and her children.

In the budget is figured food, clothing, housing, and medical expense, and all the incidentals it takes to raise a child.

Mr. CHUMBRIS. Are there any aspects of the aid to dependent children law that you feel might contribute toward juvenile delinquency?

Mr. WICKS. Well, I wouldn't say that the ADC law itself contributes to a delinquent juvenile. I wouldn't state that for the record.

Mr. CHUMBRIS. Are there any factors that develop from the law itself that might create a situation that would lead to juvenile delinquency?

Mr. WICKS. Yes.

Mr. CHUMBRIS. Let us have an explanation of that.

Mr. WICKS. Yes, because the law gives the check to the mother according to the budget. We have some budgets in Sioux County both for the white and Indian girls, who are treated on the same basis, that run into a large sum of money, anywhere from \$100 up. I think the highest I have heard of was \$142 per month. That is a large sum of money to hand to one person at one time because they don't budget themselves so that they have ample food per week or per month or on a per day basis. There is only one way to get around that law if we have the type of girl that you would say doesn't regulate her expenditures according to her needs. A lot of the money has been going for things that are not food and clothing, as children have told me in my court confidences.

Mr. CHUMBRIS. Mr. Wicks, the cases of juvenile delinquency as they apply to an Indian reservation are pretty much the same as cases that apply to any other community of like nature; is that correct?

Mr. WICKS. Oh, yes.

Mr. CHUMBRIS. Are there any other specific causes other than those you have mentioned that you have experienced in your capacity as juvenile commissioner?

Mr. WICKS. Pertaining to juveniles?

Chairman LANGER. How would you handle that check that you were talking about?

Mr. WICKS. Well, that, Senator Langer, I was going to explain to the attorney here, Mr. Chumbris. The laws in the State are that we can have guardians appointed for these people that we figure do not spend their money according to budget. Each dollar is allocated on a budget basis and, if the money is spent as it is allocated, there isn't any reason that that child shouldn't have food or clothing within that home.

Chairman LANGER. You say the check is usually from \$100 up?

Mr. WICKS. Carl Olson, what is our top in the county on ADC?

Mr. OLSON. I wouldn't be able to say, but I think it is around \$150.

Mr. WICKS. He says \$150 is about our top.

Chairman LANGER. How many children are there in that home?

Mr. WICKS. I imagine 5 or 6, Senator. The budget is ample to take care of them if spent as budgeted.

Mr. CHUMBRIS. Mr. Wicks, has there been any survey made as to whether the mother who receives the ADC actually spends the funds for the child other than handling the check differently?

Mr. WICKS. Yes, we had a case where a mother not too long ago took the entire check and bought an old jalopy of an automobile and didn't buy one dime's worth of food.

Mr. CHUMBRIS. Is that in a tabulated survey, one that is in black and white, so that that survey may be presented to the subcommittee for study?

Mr. WICKS. Yes, Mr. Olson can give you the facts of the case. He is the executive secretary of the Sioux County Welfare Board.

Mr. CHUMBRIS. I understand the secretary of the county welfare department is here as well as the State director.

Mr. WICKS. Mr. Olson is here.

Mr. CHUMBRIS. Mr. Onsrud is also in the audience.

Congressman, would you like to ask questions on that ADC question?

Representative BERRY. Just one question.

You said that you thought probably that the principal answer was to have a guardian appointed for the children in order to protect them against the mother squandering the funds. Now, would that be a guardianship under State law or would you recommend guardianship under Federal law?

Mr. WICKS. Oh, no. I want no part of the Federal Government when it comes to guardianship because we have State funds in there.

Representative BERRY. Well, you actually do have the law now to do the job?

Mr. WICKS. No, not unless someone signs a complaint and comes into the juvenile court. Then we must have a hearing and take the children from the mother. You must prove her unfit.

Representative BERRY. You wouldn't have to take the children away to appoint a guardian, would you?

Mr. WICKS. No, not necessarily. But would you, Congressman Berry, recommend leaving 2, 3, 4, or 5 children in a home that you had ruled the mother was unfit to use the funds? You see what I mean. The answer just won't fit. You would have to take the children.

Representative BERRY. Of course it is a pretty tough proposition to take children away from a mother.

Mr. WICKS. Terrible.

Mr. MAXWELL. Isn't there any supervision given the funds?

Mr. WICKS. Mr. District Attorney, my answer is no. That is my personal opinion. It is not strict enough.

Mr. MAXWELL. Would it help the matter if the recipient of these funds were required to account for every cent spent to the case worker of the welfare board?

Mr. WICKS. Certainly, that would help.

Mr. MAXWELL. Presently, though, there is no provision for that type of accounting?

Mr. WICKS. Not that I know of. If there is, it isn't enforced in this county.

Mr. CHUMBRIS. Are there any other inequities in the ADC law as it is administered?

Mr. WICKS. I wouldn't say there was anything unfair in administering the law.

Mr. CHUMBRIS. Or any of the ramifications that may come from putting the law into effect?

Mr. WICKS. Well, getting back to this new fad that has hit the reservation, that is going to become serious. That is committing these fathers to State penitentiaries on the grounds of nonsupport or vice versa, the mothers. In fact, we had a case where a mother was committed. In that case I had the two little children in the juvenile court, but I was fortunate in getting them into Boys' Town, and the State of North Dakota is now paying Boys' Town for their support.

That is very serious. I personally think that the Federal statute should be changed so that a man or woman must be incarcerated 6 months before the first check comes. They won't be so anxious to send people to penitentiary then.

Mr. MILLS. Mr. Wicks, do you advocate a different treatment to enforce the paternal responsibility of Indians than you advocate for non-Indians?

Mr. WICKS. No, we are not talking about the paternal responsibility.

Mr. MILLS. How are you going to force these fathers of children to support the children unless you have some penal provision?

Mr. WICKS. I am not advocating making the law more severe. You have a good nonsupport law in the State courts. What you have in your court I do not know. Personally I think you have nothing. From all the cases that come into my jurisdiction I think you as district attorneys can't do anything about it.

The question put to me by Mr. Chumbris was the ADC law. I say that that law should be amended that a person must be incarcerated 6 months or longer before the first check comes.

Do you understand what I mean, Mr. Mills?

Mr. MILLS. Yes.

But what was bothering me is that apparently you disapprove of putting the fathers in jail for not supporting their children.

Mr. WICKS. No, no. We are talking about ADC. We are not talking about putting anybody in jail or in the penitentiary. What I am trying to tell this committee is it is too easy to get ADC. We have cases on this reservation where the husbands have paid their debt to so-called American society and are out and the wives are getting ADC, and they are right back, and as far as law is concerned they are illegally cohabitating and bringing forth more children because the policy of the ADC is the more children the bigger the check.

Do you understand what I mean now?

Mr. HART. May I ask a question?

Mr. WICKS, as to a deal that presumably happened 3 or 4 years ago regarding a child that was adopted by a tribal court against the advice of the State department because the fellow adopting the child or the woman adopting the child had tuberculosis, do you know anything about that particular case?

Mr. WICKS. Yes, she was committed to the sanitarium at Rapid City.

Mr. HART. Did the tribal court allow the adoption of this child by this mother with tuberculosis?

Mr. WICKS. That is what I was told, that she got it through the tribal council. I don't know how they run their so-called tribal courts or council. It is a one-way street, whichever way you go.

Mr. HART. You have no personal knowledge of that situation?

Mr. WICKS. Yes, I know the child and the woman, but it did not come into State court or juvenile court; therefore, I am not going to speak on it.

Mr. HART. Do you know if that child died as a result of tuberculosis?

Mr. WICKS. Yes, it passed away.

Mr. HART. After the adoption?

Mr. WICKS. Yes, it passed away.

Mr. HART. Do you know if this lady qualified for ADC after the adoption?

Mr. WICKS. Certainly.

Mr. HART. Do you know if the State Department objected to the adoption because of the situation of the one adopting?

Mr. WICKS. Yes; at that time I was a member of the county board.

Mr. HART. So you have personal knowledge of it?

Mr. WICKS. Yes, I know about the case, but it never came to the State courts and I am reluctant to discuss it.

Mr. HART. I have heard rumors that have not as yet been substantiated that a survey was made of some of the school children as to what they hoped to do and one of the results was that some indicated they wanted to receive ADC.

Do you know whether that is factually correct or not?

Mr. WICKS. Mr. Hart, I love children. Personally, I was an orphan myself. I wouldn't answer that question to this committee if I heard it every day of my life because that is shameful and it is terrible. It is deteriorating a race of people.

I had an interview with Mr. Chumbris here 3 days ago and a few things came out pertaining to Indian people themselves and their children and it looks to me that they are just a ball, just like a bunch

of boys out here playing football. On one side is the State of North Dakota and on the other the Indian Bureau. One shoe feels the other. Each denies responsibilities and each loads services down just as little as they can, and they are very, very fortunate to exist.

My argument and my statement to Mr. Chumbris, and I am going to make it to this committee for the record, is that in some instances Indian people of North Dakota pay three times for the services that are rendered to them, and I mean they pay by actual money. If the committee is interested in knowing how, I will certainly be happy to tell you how they do it.

Chairman LANGER. Go right ahead.

Mr. CHUMBRIS. Explain it.

Mr. WICKS. We will take the Indian Bureau first. I love your Bureau. You know how? I would like to flush them down the Potomac. They are certainly not doing any good to a grand race of people. They are deteriorating and demoralizing them by your own statement, that rumor you heard of that school child.

Mr. HART. Do you know whether that is factually correct?

Mr. WICKS. I am not going to answer it because I came from an orphans' home myself, and I think it is shameful to talk about things like that. We are trying to take Indian youth and elevate them to the same heights as we have the Caucasian people. The way to knock people down is either through their character or morals.

Getting back to the Indian Bureau, you have them here by an act of Congress. The Congress set up the Indian Bureau as near as I can find out, and I have dug in this thing for over 30 years, and I am going to continue to dig in it until I flush them down the Potomac. One of these days they are going to go. They came out here in the early days and introduced agriculture to them and some took it and some didn't.

The Indian people are just like us. One wants to do this and wants to do that and the other wants to do that. Confined in a reservation you either have to do one thing or you are out entirely because the opportunities are not here to do different things in different fields of life, to make your livelihood.

Their services got smaller and smaller and smaller. All through the years up to the so-called new deal, which was to be the resurrection of the American Indian through Commissioner John Collier, whom I knew personally. His idea was a big fantastic brainstorm to buy land for landless Indians and his program came along.

We will assume he was right, for the record. I am speaking strictly for this reservation. They came in here and they set up these people in the cattle business. They told them "You have got 50 head of cows, and we give it to you under the grant basis," which was you gave back 1 animal regardless of what the market was—they called it the reimbursable plan.

Along came another branch of the United States Government which operates under Congress, set up by law, and they sat in Sioux County and Corson County, your county, Congressman Berry, and said we must have 35 acres per animal. You multiply that yourself, and you can see as I told John Collier in Washington, D. C., you could not rehabilitate 10 percent of the Standing Rock Indians, which is four-thousand-some Indians.

What are you going to do with the rest? Right there was the first step down grade. Along came ADC, old-age assistance, blind, and totally permanently disabled people.

I contend, and I think I am correct in contending, that that is not the American taxpayers' money that is taking care of the Indian today, as far as the Government end is concerned. I am still talking about the Bureau. The money for these four programs is provided by the working people of America, the employee and the employer through the social-security fund.

Isn't that right? So it is not the American taxpayers' money. They we drop over, and we will stay on these four programs. That is all right for four categories of Indians that fit there. The fifth category is the Indian that we worry about for gainful occupation because that is the healthy group of people that do not fit on one of these programs. So we drop over to the State of North Dakota. When the Congress of the United States put this fund up the States had to match it, and the State of North Dakota passed the sales tax act. Five-twelfths was to go for so-called relief, seven-twelfths for education in the State of North Dakota, the 2-percent sales tax. The Indian pays it the same as any other person in the State of North Dakota. He pays his own ticket. The taxpayer doesn't pay it on the Federal end because it is social-security funds by the working people of America. All right.

If this tribe of Indians here that we are speaking of today, the Standing Rock Sioux Tribe, wins a claim against the United States Government, and they have several in the Court of Claims, the first thing that will be deducted according to their treaties is the amount of money that was spent for them for what, health, welfare, and education, and what have you?

Getting back to the State of North Dakota again, because they work together. Mr. Indian of North Dakota pays seven-twelfths of all the educational money raised within the State of North Dakota for that State equalization fund which is allocated back out to the school districts on a per pupil basis.

Here in this district here they get their pro rata share out of the millions of dollars that come in from the sales tax. The Congress passed the Johnson-O'Malley Act. They pay another 30 cents or 40 cents a day for Indian children. There you have Mr. Indian paying three times, and still we hear the remark "He doesn't pay anything. He doesn't pay taxes. He doesn't do anything but is a burden to the public." I think he pays in many, many cases.

The highway program is identical to the so-called welfare program, because under the Hayden and Cartwright Act, which is an act of Congress, if you cross trust patent land, the Government pays 100 percent. The Government settles with that tribe. That is the first 100 percent that comes off because it was for their benefit, for their development.

So you see what I mean, Mr. Chumbris. Somewhere along the line the Congress of the United States must establish responsibility and the first step, in my way of thinking, is abolishing the Indian Bureau.

You hear the big scream that it isn't orderly, it has to take a period of years. You had the former Director. I neglected to bring his speech to the Chamber of Commerce of Butte, Mont., where he predicts

the Indian problem will last for 200 years. That is shameful if we the people of this great Nation cannot work out the problem where these people can integrate with the masses of the American people.

This is the second hearing of this type I have attended since living on Standing Rock. Each and every time the Indian is the football. It gets worse and worse as we go along in years.

I say, abolish the Bureau. The State of North Dakota is responsible for the Indians that live within its boundary. The Constitution provides for that because they were here when North Dakota was admitted to the States. They are no problem because you are taking care of four-fifths of them now that are eligible anyway. You have one-fifth, and certainly between the Congress of the United States and the legislators of the State of North Dakota we can set up a program that will either bring manufacturers into this State or set up a workable program such as you have now. I think there is a man here by the name of Mr. Lay in charge of it.

Mr. Hart and I talked to you, Senator Langer, 4 years ago. That program is very successful. I think it is the relocation program where they are relocating these people. That has proven successful on Standing Rock, but there is only one catch: Always Congress appropriates too small an amount of money.

If this one-fifth of this total population on Standing Rock would be assured gainful and steady employment, we would have no problem.

Chairman LANGER. Let me interrupt a moment. I want to welcome the distinguished Senator from Tennessee, Senator Kefauver.

Senator KEFAUVER. I want to tell all these people, Senator Langer, how happy I am to be here with you. I come from Tennessee, and I feel that Senator Langer is one of the great courageous men in the Senate today who always fights for the little fellow. He has been telling me of his problem here.

I am happy to claim Senator Langer as my good friend, and we in Tennessee are mighty proud of him.

Chairman LANGER. Thank you, Senator.

What we are trying to do is not, as you know, as either Democrats or Republicans but as good Americans, trying to get the Federal Government and the State government and the Indian Bureau and the tribal council to sit in a friendly way around the table and figure out what State legislation we need and what Federal legislation we need and what we can do about some of these treaties if we have to.

I am delighted to assure you that we have the support of Governor Brunsdale. Mr. Wicks will likely be a member of the next State legislature, elected on the Republican ticket. We are all Republicans out here. The Governor is going to set aside 1 week, if necessary, to just take up the Indian problem all by itself in the legislature. It is one of the few times when we are trying to get everybody to work together in a friendly manner.

The meetings are entirely informal. Anyone here can ask any questions he wants. We have the United States Government here. We have the Attorney General's Office represented. We have Mr. Feidler here, the State's attorney of Sioux County, and Mr. Kastler here from Washington, representing the Department of Interior; and we will just let them interject questions anytime they want.

That is the way we started, unless you want to change.

Senator KEFAUVER. That is the way we will carry on and, if I may say one other word, I think that as to the juvenile problem, whether it

is here or in Washington or in Tennessee, everybody is determined to help and do something about it. When the facts are known as they will be at this hearing there is always a solution.

I think Senator Langer's subcommittee on juvenile delinquency is doing a tremendous good all over the United States and the Langer committee on antimonopoly and antitrust matters is the one great forum that is trying to protect the interests of the little people and the small-business people against monopolies.

It was a long distance to come out here. I was in Pittsburgh last night and came to Chicago and almost got flooded out. I came to Minneapolis by plane and Fargo by train, and we had two different planes to get over here. I wouldn't have missed coming for anything in the world.

CHAIRMAN LANGER. Thank you, Senator.

Will you proceed, Mr. Chumbris?

MR. CHUMBRIS. Mr. Wicks, had you completed your statement on the Indians' contribution for the services that they are receiving? Have you completed that?

MR. WICKS. Yes, I think that covers it pretty well.

MR. CHUMBRIS. Have you any comment to make on the tax problem of the State as it affects the Indian within your experience?

MR. WICKS. Yes. I think I have.

With Congressman Berry here and the two Senators both here, I think that the Congress of the United States could eliminate the so-called Indian problem in the United States of America very, very simply by coming into the States that have reservations, have a survey made of tax-exempt land within those counties within that State and the Congress appropriate money according to the county levy of that county and of that State.

I think that an appropriation would more than take care of the Indian problem because the State of North Dakota would have no argument, the County of Sioux would have no argument not to render the same type services to these people living within these counties and within that State and it certainly would be millions and millions of dollars less than the Congress is appropriating today to maintain the so-called Indian Bureau. And you just have O. K.'s and more O. K.'s.

You have a conflict in the courts. You have an argument of a so-called jurisdictional right if it is on trust land. "I can't go there," my States attorney tells me. "They conceived on trust land, and I can't establish parentage."

SENATOR KEFAUVER. Congressman Berry.

Representative BERRY. I would like to have you tell us how far you think State jurisdiction should go on an Indian reservation. Should there be complete State jurisdiction?

MR. WICKS. All the way.

Take 10 major crimes out and all, if the Congress will pass Federal legislation to come into these States that have reservations and subsidize the State and the county in lieu of taxes because after all the Indian tribes do have treaties with you and many of them are to be held tax exempt for two more generations to come.

Your 7 bands of Sioux are only in their second generation, and I think in the treaty of 1886 they reserved the right for 7 generations.

So the Congress is obligated under the treaties to hold them in a tax exempt status for five more generations.

President Eisenhower himself in his speech in Minneapolis a year ago, when he signed I think Public Law 280, was very, very reluctant in signing it and made a statement to the press there in Minneapolis saying that it didn't go far enough to protect the rights of the American Indians through their treaties, and I am sure that no Congress of the United States will violate the treaties of the American Indians when we are trying to set up a policy through the United Nations to regulate foreign countries.

Representative BERRY. In your judgment would the taking over of jurisdiction by the State, civil and criminal, violate the Laramie Treaty?

Mr. WICKS. I don't think so because they can still have this so-called tribal council court for misdemeanors. That is all they can try anyhow, Congressman Berry.

You have lived amongst them practically as long as I have, right on Standing Rock. All they asked in the treaty was for their Indian court. They can have that. It is practically all misdemeanors that are tried there.

Representative BERRY. It is a question that there is so much argument about. That is the reason I wanted to get your thinking on that, Joe.

Mr. WICKS. I know there is an argument about it, but if the Indian people would just stop to think, if they come into the courts that I am tried in, I am innocent until proven guilty beyond a reasonable doubt, and the court must furnish me an attorney. You go to the Indian court, and you are on a one-way alley. You don't go in with a lawyer, and if your hair isn't parted right, you might be guilty before the door closes. It doesn't look to me like a fair court under our American setup. If they like it, let them retain it because they try misdemeanors anyway.

Representative BERRY. Do you think it should be left to a vote of the Indians themselves?

Mr. WICKS. Oh, yes. I am a firm believer in secret ballot. I have confidence in how the vote will be. The only thing that has the Indian people upset today—to some it has worked to their advantage in so-called Indian politics—that is by saying to the people “you will have to pay taxes.”

If the Congress of the United States would pass that type of Federal law, you could abolish the Bureau and would have no more so-called Indian problem in America because the State of North Dakota couldn't come to the Congress of the United States through the County of Sioux or Rolette or any place because if they can handle my affairs according to the tax budget of that county, they certainly can take care of those people because the Indian people are paying practically every tax except the land tax today.

Representative BERRY. Personal and real estate?

Mr. WICKS. Most of them don't have personal property. The personal property they pay a tax on is because they have a car license. In North Dakota that is considered in lieu of personal property. They pay their gas tax. During the war they paid the use tax and that was a Federal setup, and they paid it.

Representative BERRY. I think that is all, Mr. Chairman.

Senator KEFAUVER. Are there any other questions?

Mr. MILLS. Mr. Wicks, I believe you mentioned that you didn't think that there was much law violation here?

Mr. WICKS. No, I am talking of juveniles now. I mean criminal laws by juveniles.

Mr. MILLS. In other words, I wanted to get your statement clear. You believe that the juveniles are not committing criminal violations, is that right?

Mr. WICKS. Very, very few. I think it would be less than 2 percent of the entire cases I have tried in 4 years that would actually pertain to a violation of a criminal statute.

Mr. MILLS. Well now, the other thing I was wondering about is that you have had some taken to the training school, have you not?

Mr. WICKS. I just got through telling you that that is my only alternative and it is a very shameful state of affairs.

I would like to state to the committee, for the record, that if the Congress of the United States is abandoning these agencies, and many are being abandoned fast—I see in Minnesota two are going out—if the Congress would pass the statute to give one of those agencies to the child welfare division of that State for an orphans home where we could put these children the State would be subsidized through the child welfare setup. Those institutions are paid. So it would be self-supporting. It would not be an additional burden and at the same time you wouldn't have to commit to a penal institution a boy or girl that has not violated a criminal statute.

Do you understand?

Mr. MILLS. Yes, sir.

Isn't it going to be necessary to have some Federal legislation either to make an arrangement or honor that arrangement because under the present law the only reason for their presence there is that you are able to persuade them to take them because I think jurisdictionally they are not able to take them and if you weren't an eloquent speaker I don't think they would even have that place today? Is that right?

Mr. WICKS. I think that is right.

Mr. MILLS. As a specific, couldn't this committee do something to provide a place for correctional training and for custody of those who have no home and those who need some correctional training?

Mr. WICKS. Mr. Mills, I would strike "correctional" because the policy of the Government now is, and the policy of the Indian Bureau, if I hear it right and can believe it, that they are going to be abolished and are really going out of business. But they have told me that for 20 years, and they are getting stronger.

Correctional would be out. You have it in South Dakota for Standing Rock at Plankinton; therefore, we could get these boys and girls to integrate more.

Mr. MILLS. For example, at any time the State of North Dakota might refuse to take them, like they did with insane people. All of a sudden there have been two insane people committed from Standing Rock without difficulty, and then we ran into a problem at Rolla where they refused to take them. We might run into that problem on juveniles where the State of North Dakota might say, "We refuse to take them."

Mr. WICKS. That may be true, but as far as the State of North Dakota refusing the insane people that wouldn't have been done if the Bureau wouldn't have gotten balky and refused to pay. Regardless of whether the Indian person is sane or insane, he is still a football.

Mr. MILLS. You don't think there is anything necessary along the line of a correctional institution for juveniles?

Mr. WICKS. Not a correctional, because there isn't any fee like there is at Grafton and San Haven and Jamestown. So we won't have that argument there, but we do need a set of buildings for a foster home because right now we have no place to go with these little children.

Mr. MILLS. You have mentioned that there are adequate recreational facilities here. What are they?

Mr. WICKS. They have baseball teams here and football teams. They have an auditorium to play basketball in.

What is your formula for recreation?

Mr. MILLS. I don't know. I am asking what they do have.

Mr. WICKS. Fort Yates has good facilities. Of course they are not supervised. That is a different deal entirely, if you would have to have chaperons or men to supervise the boys.

Chairman LANGER. What about this proposition of the insane? Why should there be any dispute after all these years about an insane woman at Rolla, N. Dak., not being sent to Jamestown?

Mr. WICKS. Senator, they tell me that the Indian Bureau has refused to pay the State board of administration. They have threatened to sue and sue, but they have never sued. So it is just another one of these deals between the Bureau and the State where you have that controversy.

Chairman LANGER. Mr. Kastler is here from the Bureau.

Mr. KASTLER. I am sorry. I do not know the facts in that case, but I believe there are witnesses and it will come out.

Senator KEFAUVER. Mr. Wicks, your idea is that the Federal Government would pay an "in lieu of tax" to the county?

Mr. WICKS. The State and the county, Senator Kefauver, because the county raises the money first. The State of North Dakota doesn't raise one penny in taxes through a tax-spread levy. The county does it.

The board of county commissioners set the budget. They set the levy. Then it is approved by the so-called State board. That is the way the money is raised. I think the same thing holds true in Tennessee, because I had quite a tax problem with your mayor in Knoxville and went into your tax problem there.

Do you know a man by the name of Cass Walker there?

Senator KEFAUVER. I know him, but not very favorably. The present mayor of Knoxville is Mr. George Dempster.

Mr. WICKS. I know about Tennessee politics, too.

Senator KEFAUVER. If the Federal Government would pay the State and county the real-estate property tax in lieu of taxes for real-estate property, what functions would the State and county take over according to your recommendation which are now being done by the Bureau of Indian Affairs?

Mr. WICKS. Take them all over. The people would fit in the same category as the rest of the people in North Dakota.

Senator KEFAUVER. That would be the courts and schools?

Mr. WICKS. That is right.

Senator KEFAUVER. The State hospital services?

Mr. WICKS. That is right.

Senator KEFAUVER. And how about the training school?

Mr. WICKS. You mean the penal institution?

Senator KEFAUVER. Yes.

Mr. WICKS. Well, we are using that facility now even without this, but I have a very good friend who is superintendent there, Superintendent Thompson, and he says it, like I do, that these children should be integrated in with the white boys and girls, and rather than segregate them and set them up separate and apart he is more than happy to take them in.

Senator KEFAUVER. How do the Indian children feel about it?

Mr. WICKS. When I go visit them they say all right, and I have talked to some when they came back, and they are good citizens. Some have gone to the Army. Many of them left right there for the armed services. Two of the boys are still in. They left from there for World War II. One is in Germany and the other in Japan.

Senator KEFAUVER. All right, Mr. Chumbris.

Mr. CHUMBRIS. Are there any other recommendations that you have now, Mr. Wicks, on the overall problem of Indian affairs?

Mr. WICKS. I think that this committee should use its authority to give the superintendents of these reservations, if we are going to continue under the so-called Bureau policy for another 20 to 40 to 50 orderly years, as they call it, more money to retain men for law and order.

Mr. CHUMBRIS. More money for law and order?

Mr. WICKS. That is right, because every superintendent that has been here in the past 5 or 6 years tells me his funds are limited, his funds are limited.

Senator KEFAUVER. How much more would you need here, for instance?

Mr. WICKS. The superintendent would have to testify to that.

Representative BERRY. Joe, could I ask this question: Should that be appropriated for the tribal council or should that be under a law and order department of the Federal Government?

Mr. WICKS. I say law and order, under the Federal Government on the principle of the FBI. Get men of good character, high integrity so that you have law and order.

Representative BERRY. The only thing is what jurisdiction would they be operating under? Under this dual system that we have at the present time, would they be operating under the laws of the tribe, the Federal law, or the State law?

Mr. WICKS. Well, Congressman Berry, if you set them up the way you said there, set them up separate and apart, you would wind up with the 10 major crimes. The rest would be scott free again. You would come over to the county side of it, and the State's attorney and sheriff would tell you "I can't go over there. That is trust patent land," especially with the adverse opinion that has been handed down in the past 10 or 12 days by the North Dakota attorney general.

Representative BERRY. I have not seen that ruling. Does the attorney general of North Dakota rule on the question of whether or not it would require a constitutional amendment to give the legislature

authority to take State jurisdiction on the reservation or only legislative authority?

Mr. WICKS. You answer that, Mr. Mills. You are a lawyer.

Mr. MILLS. He has ruled that it takes a constitutional amendment because of our enabling act.

Representative BERRY. Your enabling act is the same as ours, and our Attorney General has ruled that we do not need a constitutional amendment.

Mr. MILLS. Different attorneys general.

Senator KEFAUVER. Mr. Chumbris, have you any further questions?

Mr. CHUMBRIS. No further questions.

Chairman LANGER. Mr. Wicks, do the recommendations you have made conflict with any Indian treaty that you know of?

Mr. WICKS. Not that I know of, Senator, because I certainly would not want to recommend to this committee or any other committee anything that would violate a treaty.

Mr. MILLS. You recommend that the tribal courts continue then?

Mr. WICKS. I think, Mr. Mills, that is not for us to say. If the treaties are abided by, the treaty reserves that right.

Mr. MILLS. Then all the misdemeanors would still be tried by the tribal court. Do you agree with the last witness who stated that he thought the non-Indian should be tried in the tribal court without a jury, and when they have a jury, they would only be six members and only a majority needed to convict?

Mr. WICKS. I didn't hear him testify. I couldn't hear what he said.

Senator KEFAUVER. Mr. Onsrud.

Mr. ONSRUD. Talking about juvenile delinquency, my impression was that down here it is primarily adult delinquency rather than juvenile delinquency, that the thing that you are concerned about is the fact that some of the drinking and some of the lack of law and order has created a situation in some families where there is a potential for juvenile delinquency for kids because your testimony indicated that the number of Indian children per se wasn't too great and that the big problem of juvenile delinquency down here is really created by the adults and by our system and the dual system. Is that right?

Mr. WICKS. That is right. That is what I said.

Chairman LANGER. Would you say the juvenile delinquency is on the increase or decrease?

Mr. WICKS. Oh, it is on the increase, Senator Langer, terrifically on the increase the past 24 months. The docket shows that.

Senator KEFAUVER. Mr. Wicks, is there any different problem of juvenile delinquency among Indians than there is among other citizens?

Mr. WICKS. No, they are the same, Senator Kefauver. I demand the same parental release when they come in the juvenile court. I have releases from the fathers and mothers of white children the same as Indians because, if you don't have that release, you would be making a mockery out of the court and the law.

Mr. KASTLER. Do you believe the Indians should be paying land taxes at the earliest possible time, considering all the legal complications and everything else?

Mr. WICKS. No, sir, I disagree with you, because they have their treaties. That is for the Court of Claims to decide, not for me as an individual citizen.

Senator KEFAUVER. You say the Sioux Tribe has four generations yet to go?

Mr. WICKS. Five. I have had one tell me that they reserved 7 generations and have 5 left. You see, there are seven bands of Sioux. Everything in the Sioux Nation is seven. When you go back to their early stage it is all seven, and therefore they had that great foresightedness.

Mr. KASTLER. Do you have any copy of that treaty or a judicial interpretation of that?

Mr. WICKS. You can get that from their attorney, Case, in Washington.

Mr. KASTLER. Do you believe the Indian is in need of any protection or should he be given fee title to his lands?

Mr. WICKS. Certainly I believe that because it is his.

Mr. KASTLER. Do you feel that he might make any unwise sales or anything of that sort within a short time? In other words, would white land grabbers, so-called, gain the land?

Mr. WICKS. That is not for me to say. I cannot judge you and I have no right to judge an Indian either. If you want to talk about land grabbers, I can cite you many, many cases of white people who have had one, two, or three thousand dollars today and next week not a nickel. Certainly, I wouldn't judge a race of people by that.

As far as the people that own the land today, Mr. Indian Bureau, I want to tell you something about that. That is the conservative Indian because the Indian all through the years had a right to sell his land or to get a patent in fee. That is where Collier and I disagreed when he raised the cry of the land-lease Indian. Collier is the guy that stopped them from selling the land. All right.

Then who owns the land? The conservative Indian, the same as any other race of people. If you want the home, you own it. If you don't, you live in an apartment. That is not an argument.

Those people today are old, I mean very old. Why haven't they the right under American law or American thinking. We shout to the high heavens in Europe and other countries "Equal justice for all," but we set this group of people separate and apart.

We tell a man that owns something, "No, you can't sell it because you are incompetent." You have never proved them incompetent. The Indian Bureau has never taken an individual person into the courts and proved them incompetent.

I can show you Germans, Russians, in the State of North Dakota that can't read or write that will give you a check for \$50,000, and it is good. Would you call them incompetent? I think that we are just abusing these people by saying that. If the Government or the Congress wants to buy land for Indians, let them come in and bid, but let the individual person bid.

Why should a person have to die and give his property to someone else that he saved on this earth? I know a certain individual on Standing Rock that owns 28 quarters of land. If he died this afternoon, strangers would get the land. I don't think we, as good American citizens and good thinking people, should stop people if they want to sell it.

If the Government wants to buy it, if the Bureau wants to buy it, let them come in and buy it, but not deny that individual that right. That is what causes all your chaos and friction on reservations.

Representative BERRY. Do you think, Joe, that the tribal council should pass on whether or not an Indian should sell his land?

Mr. WICKS. No, it is his. If I want to sell this suit, whose business is it? It is mine in America. No, I don't. I don't think anybody should pass unless you have a person that is absolutely imbecile. If that person is an imbecile he would be in an institution. Otherwise, I don't think that as individual people we should pass on individual people.

Senator KEFAUVER. You think they are able to take care of themselves?

Mr. WICKS. I do, Senator Kefauver, and I have worked with them over 40 years.

Senator KEFAUVER. Does the record show how long you have been working in your present position?

Mr. WICKS. Four years as juvenile commissioner, but I served as county commissioner for over 20 years.

Senator KEFAUVER. How are you selected as juvenile commissioner?

Mr. WICKS. By Judge Wiggen who is a district judge and in turn elected by the people of North Dakota.

Senator KEFAUVER. In how many counties do you serve?

Mr. WICKS. This county alone.

Senator KEFAUVER. Sioux Country?

Mr. WICKS. That is right.

Senator KEFAUVER. How many tribes do you have?

Mr. WICKS. Just the Standing Rock, and that is plenty. If you had any more, you would have more chaos.

Senator KEFAUVER. Have these statistics been put in the record, Mr. Chairman?

Chairman LANGER. Not yet.

Senator KEFAUVER. Does anyone else have a question to ask Mr. Wicks? Does anyone here want to ask Mr. Wicks any questions?

Senator Langer says we may have a lot of Republicans here, but we run on a democratic basis.

Thank you, Mr. Wicks, very much.

Senator KEFAUVER. Is Mr. Wellington here, the superintendent of the Standing Rock Agency?

Mr. Wellington, do you solemnly swear that the testimony you will give to the subcommittee will be the whole truth and nothing but the truth, so help you God?

Mr. WELLINGTON. I do.

Senator KEFAUVER. All right, Mr. Chumbris. First get for the record who Mr. Wellington is and how long he has been there.

TESTIMONY OF JOSEPH WARREN WELLINGTON, SUPERINTENDENT, STANDING ROCK AGENCY, FORT YATES, N. DAK.

Mr. CHUMBRIS. Would you please state your full name?

Mr. WELLINGTON. Joseph Warren Wellington.

Mr. CHUMBRIS. And do you reside here in Fort Yates?

Mr. WELLINGTON. At Fort Yates.

Mr. CHUMBRIS. What is your official capacity?

Mr. WELLINGTON. Superintendent.

Mr. CHUMBRIS. And when were you appointed?

Mr. WELLINGTON. The 1st of September 1954.

Mr. CHUMBRIS. September 1, 1954?

Mr. WELLINGTON. Correct.

Mr. CHUMBRIS. And you have been in office a little over a month, is that correct?

Mr. WELLINGTON. That is correct.

Mr. CHUMBRIS. What other experience have you had, Mr. Wellington, with the Indian service?

Mr. WELLINGTON. I have been with the Bureau approximately 15 years, serving the last 7½ years as superintendent at the Fort Belknap Reservation in Montana.

Mr. CHUMBRIS. And any other experience that you have had besides being a superintendent.

Mr. WELLINGTON. With reference to the Indian matters?

Mr. CHUMBRIS. Yes, with reference to Indian affairs.

Mr. WELLINGTON. No, just the 15 years experience.

Senator KEFAUVER. I didn't understand where you were superintendent before coming here.

Mr. WELLINGTON. At the Fort Belknap Agency in Montana.

Mr. CHUMBRIS. Would you, please, state the duties of your office here as superintendent?

Mr. WELLINGTON. The duties of the superintendent of an Indian reservation are rather large and involved. It would be rather difficult to give all of the duties which are described on the superintendent's position description sheet. The superintendent administers the affairs of the agency as representative of the Secretary of the Interior through the Commissioner of Indian Affairs and is responsible to the area director who in this immediate vicinity is Mr. Roberts of Aberdeen.

The duties involve the administration of the various services connected with the Bureau which would involve law and order, education, health, welfare, roads, forestry and grazing, land management, and the other branches of the agency office.

Mr. CHUMBRIS. Mr. Wellington, from your month and few days that you have been serving as superintendent here at Sioux County could you, please, relate how you have found the conditions of your office?

Mr. WELLINGTON. Within the 5-week period, it is most difficult to determine and establish facts as to a situation. Many times a situation will be presented. There are always two sides to each situation and until both sides have been thoroughly investigated I don't believe a person should weigh judgment without accurate knowledge of both sides of the position.

For that reason, and in a 5-week period, it would be difficult to say and pinpoint actually how you could say the conditions are.

Mr. CHUMBRIS. Who was your predecessor?

Mr. WELLINGTON. Mr. Spencer.

Mr. CHUMBRIS. Do you know where he is located at this time?

Mr. WELLINGTON. Mr. Spencer was transferred to the Blackfoot Indian Agency at Browning, Mont.

Mr. CHUMBRIS. Could you state for the record whether there has been any change in policy of your duties and responsibility as superintendent different from that that you had in Montana?

Mr. WELLINGTON. No, I would believe not.

Mr. CHUMBRIS. The policy is the same; is that correct?

Mr. WELLINGTON. The Bureau policy is a continuing process, and it is the same throughout the United States.

Mr. CHUMBRIS. I understand that. But what I mean is, since the past 7½ years have you found any change in policy of the Indian Bureau affairs as to the duties and responsibilities of a superintendent?

Mr. WELLINGTON. The duties of the superintendent within the last 7½ years have changed materially with the changing policy of the administration with reference to cooperation with the State on various branches of the administration where now the Bureau is looking toward State cooperation and the assumption of certain duties formerly carried out by the Bureau.

Mr. CHUMBRIS. Would you, please, explain in greater detail the nature of the change of policy in those past 7½ years that you have just referred to?

Mr. WELLINGTON. Speaking from Montana only?

Mr. CHUMBRIS. Yes. That is the only place you have served as superintendent; is that correct?

Mr. WELLINGTON. That is correct.

The reservation that I left was a consolidated agency—2 reservations, 2 separate tribes. On the Fort Belknap Reservation all of the schools on the reservation are now operated by the State and by the county. On the other reservation we still have our Indian schools, but plans have been made and laid and eventually those will be taken over by the State of Montana. The changes I imagine that you would refer to are the changes that are involved when the school system goes out from the administration of the Bureau to the State and county?

Mr. CHUMBRIS. Yes; and I would like that to go to law and order, education, welfare, health, all those things under jurisdiction to show what the trend of the regulation of Indian affairs is in this country over the past 7½ years. Is it going forward; is it standing still; is it going backward?

Mr. WELLINGTON. I believe in the area in which I am personally acquainted there has been a definite step forward. I think that the Indian people in that area, particularly from the two reservations that I am acquainted with, feel that there has been progress made toward State coordination of the previous Bureau problems and previously not dealt with by the State. I think there is a definite trend toward more cooperation, and the Indian people there seem to be in favor of that.

Mr. CHUMBRIS. And may I ask you to state in further detail also whether the trend is toward greater Federal supervision or more toward assimilation with the non-Indian population?

Mr. WELLINGTON. Definitely toward assimilation.

Mr. CHUMBRIS. Could you be a little more specific in instances to prove that point? How is that policy reflected to show that?

Mr. WELLINGTON. Well the policy with law and order. We have had the highway patrolmen have access to all of the agency roads where at one time it was patrolled only by police of the Bureau.

In the education, as I mentioned, all of the schools in one county are all public and in the other reservation they will become public schools.

The welfare, our cooperation and the policy of the public welfare department for the administration of the welfare funds, the cooperation was the greatest and our welfare worker of the Bureau and the welfare worker of the State and Federal public welfare cooperated in the placement and arrangements for foster homes for the care of the Indian children from deserted families and in that respect the work has advanced greatly in that area in the last 3 years.

Mr. CHUMBRIS. Are there any other departments which are under your jurisdiction on which you would like to comment, such as health?

Mr. WELLINGTON. Well, it again would be for the area that I left. Our cooperation there with the State, county, and local districts and hospitals was exceedingly good.

It is commonly known that the health facilities of the Bureau will be transferred to the Public Health beginning in 1955, when the arrangements will be drawn up. There were no serious problems where I came from with reference to our health problems in connection with the county or State. We cooperated with their sanitation engineer, all their members of their sanitation and health board, and I believe that our program was correlated entirely in the same gear as the State.

Mr. CHUMBRIS. In your experience in Montana has there been any reaction among the Indian people as to this transfer of the health services from one agency to another that will take effect in 1955 or has any reaction set in as yet?

Mr. WELLINGTON. There has been some reaction, not a great deal. The reaction that was called to my attention was that many of the Indian people felt as though they needed more complete information of what the change would be, how it would reflect on their health problems in the future.

Mr. CHUMBRIS. Getting to law and order in Montana, what is the procedure as to law and order? Is the State supervised, is it supervised through the Bureau of Indian Affairs, is it left pretty much to tribal affairs or is it a mixture of all three?

Mr. WELLINGTON. I would say that it is a mixture of all three.

Mr. CHUMBRIS. Would you, please, explain in greater detail just what areas those jurisdictions cover and where they overlap if they do overlap?

Mr. WELLINGTON. Technically, there should be no overlapping. The reservations there were organized under the Wheeler-Howard Act and had their tribal courts which for the most part was the same as the tribal court at the Standing Rock Reservation.

However, those were chartered tribes, having their own charters and constitutions and bylaws, and there was some difference in the operation of law and order in that respect though not a great deal.

As to our cooperation with the county, the county seat gave us considerable assistance at all times. In fact, we used the county jail since there was no jail on either reservation.

As I mentioned the highway patrol was on the reservation with a deputy commissioner from the Bureau. Many of our local cases in the towns immediately adjacent to the reservation were handled both by our local policy and the authorities within the organized towns.

Mr. CHUMBRIS. Are the factors that control the Indian Affairs problem in Montana where you were a superintendent similar enough

to the factors that control here in Sioux County as to be a guide as to any deductions that we may get out of your testimony, or do you find the situation entirely different and not comparable?

Mr. WELLINGTON. They are not similar.

Mr. CHUMBRIS. They are not similar?

Mr. WELLINGTON. They are similar to some extent but, due to the relationships of the size of the reservation, the location of the agency and the county seat, it makes it a different problem.

Mr. CHUMBRIS. You understand the nature of my question? Since you have only been here 5 weeks and are not familiar enough with the situation here we are trying to draw a pattern from your operations in Montana, which might give us an indication as to the problem as it exists in both places and draw some conclusion from it. That is the reason I am asking this type of question.

Mr. WELLINGTON. I don't believe that you would say that they are close enough to compare them. It appears to me at the present time that the problems here are completely different.

Mr. CHUMBRIS. You stated a while ago that there was no overlapping of jurisdiction between the three agencies, Federal, State, and the Indian tribal regulation.

Is there any so-called no man's land between the three? Do you understand what my terminology is of "no man's land"? Is there a creation of a no man's land in the agency where you came from?

Mr. WELLINGTON. That could be created by the lack of any one of the three branches of the law, to delay or procrastinate action. That would create a no man's land.

Mr. CHUMBRIS. And then it comes primarily to the administration of justice and the enforcement of the laws and regulations by the respective groups as to whether there is a creation of a no man's land, is that correct?

Mr. WELLINGTON. That is correct; that is true.

Mr. CHUMBRIS. Now, I realize that you haven't been here too long in Standing Rock, but would you, please, try to give us a picture of the different groups such as law and order, welfare, health, education, that are under your jurisdiction?

Mr. WELLINGTON. Starting with the law and order, at the present time we have federally employed a criminal investigator and a night watchman. The Standing Rock Sioux Council employs seven police officers, paid from tribal funds, who are located in the various districts of the agency. We have a small jail which apparently needs to be enlarged, made a little more modern to properly handle our law and order problems. In connection with law and order, we have the tribal judge. I believe that is about all the personnel on the law and order. I believe I mentioned that we do have a night watchman.

Mr. CHUMBRIS. Yes.

Mr. WELLINGTON. Under our education program—

Mr. CHUMBRIS. Before we get to the education, may we go into other questions on this particular point? What is the cooperation between the law enforcement on the reservation and law enforcement as conducted by your Federal officials and your State officials covering this particular county?

Mr. WELLINGTON. I would say that without having sufficient tenure in office here I wouldn't be able to give a fair, unbiased opinion.

As it looks to me at the present time there is certainly need for more cooperation. That might be proven untrue because I may not have been acquainted with all sides, but I would say that it points toward more complete and better cooperation all the way through.

Mr. CHUMBRIS. Would you care to comment whether the cooperation in this county is the same, of less effectiveness or more effectiveness than the reservation in Montana from which you came, if you wish to comment on that?

Mr. WELLINGTON. The situation, as I mentioned, due to the location of the county seat would make a great deal of difference. I would say at the moment it is not as effective.

Mr. CHUMBRIS. It is not as effective.

I would like to state this at this time: That the hearings although they are being held in North Dakota are of sufficient import that we will try to deduce certain facts and conclusions which we can apply to Indian reservations throughout the United States since this is a nationwide investigation. So every once in a while we will refer back to your reservation there to give us an idea of how other reservations in the United States operate.

Senator KEFAUVER. May I ask how much longer will his testimony be?

Mr. CHUMBRIS. It could be 15 minutes.

Senator KEFAUVER. Will you come back after the recess?

The subcommittee will stand in recess until 1:30, and we will reconvene sharply at 1:30. Mr. Wellington will continue at that time.

(Thereupon, at 12:05 p. m., the subcommittee recessed to reconvene at 1:30 p. m., the same day.)

AFTERNOON SESSION

(The subcommittee reconvened at 1:30 p. m., upon the expiration of the recess.)

Senator KEFAUVER. The subcommittee will come to order.

We want Congressman Berry to come forward as soon as he arrives.

Senator Langer and I observed the very fine-looking boys and girls from the high school who are here today. They are fine-looking Indian boys and girls and white boys and girls and we want you to know how much we appreciate your being here and appreciate the interest in this subcommittee.

As one member of the subcommittee I feel that Senator Langer did the Nation a great good in the face of increasing problems of juvenile delinquency in establishing a subcommittee which has already made its impression and created better conditions in many parts of the Nation with many, many hearings.

There is one thing that I might specifically mention. This subcommittee in New York and elsewhere found that more than 30 million per week of horror crime books, not the good type of crime books, but the kind that excite young people to commit crimes, were being sent out all over the United States.

We investigated that and showed what a bad situation it was and, as a result of our investigation, the comic-book industry is cleaning up itself.

They have appointed a man who is a czar to pass upon whether the books are decent or fit to read.

I think that that alone is going to do a whole lot to have a better climate among young people and a better literature for them to read.

We are trying to do the same for radio and television programs. We operate on the basis that when people know the facts, they always do the right thing and take corrective action.

Before continuing with Mr. Wellington, as acting chairman I want to say that we have had a right interesting experience. We have been over to the old jail that Senator Langer got into to defend four innocent people and I felt that rather than being criticized for trying to get to see his clients, that he should have been given a medal for fidelity to his position in the legal profession.

After that we went over to the present jail and went upstairs and downstairs and to me it is a horrible condition. It is very badly kept.

I think it is a shame that the Federal Government which should set an example of having clean, sanitary correctional institutions where people who are supposed to be reformed should have dirty mattresses and the kind of filth and poor conditions that we saw in this institution.

Senator Langer, perhaps you would like to have something to say about what we saw, for the record, and then we will make some use of it.

Chairman LANGER. I might say I am the chairman of the Subcommittee on National Penitentiaries, a subcommittee of the Senate Judiciary Committee.

Of course, we will make a report promptly to the Attorney General, Herbert Brownell, who has charge of the Federal penitentiaries. It is a sad commentary that I have gone to jails all over the United States, to Lewisburg, Alcatraz, Leavenworth, and I have to come to my own State to find a Federal jail in the condition in which Senator Kefauver and I found this jail this noon.

Frankly, I feel very sad about it and I think I will bring it to the attention of the Attorney General so that the conditions there will be promptly remedied.

[Applause.]

Senator KEFAUVER. I think that if it were not for the fact that Senator Langer has been so diligent in investigating them, a lot of these penal institutions would not be in as good a condition as they are. Many of them are deplorable. This is the worst I have seen.

If there is no objection, I am going to ask Mr. Mills, who accompanied us, and who is assistant district attorney, to write up the details on what the condition there is and submit it to this subcommittee so that Senator Langer can send a detailed report to the Attorney General of the United States.

Mr. MILLS. Yes, sir.

Senator KEFAUVER. We will continue on with Mr. Wellington's testimony.

Chairman LANGER. Might I say, Senator Kefauver, that ever since this Senate subcommittee was created on national penitentiaries, about 9 years ago, there has not been a single riot in any Federal penitentiary, but there has been riot after riot in State penitentiaries resulting in losses of millions and millions of dollars from fire, and resulting in the death of some of the convicts and even some of the guards.

I think the situation at Fort Yates is inexcusable. We send billions of dollars all over the world when a trifling sum comparatively would keep this jail in better condition.

I understand there is not even a permanent custodian.

Senator KEFAUVER. I agree with you, Senator. Many people do not appreciate the work done by Members of the United States Senate, particularly when they are chairmen of the committees, as Senator Langer is chairman of the Judiciary Committee.

You people might like to know that the Judiciary Committee, of which your distinguished Senator is chairman, handles 50 percent of all the bills in the United States Senate. They have to do with all kinds of matters, ranging from constitutional questions to claim bills and confirmation of United States judges and attorneys general, and Senator Langer has to read the thick FBI file and study it, which he does conscientiously on every person who is appointed a judge, a United States attorney, a marshal, or anything else that comes before our committee, hundreds and hundreds of them every year.

His committee, of which I act as chairman, in investigating correctional institutions is a labor of love. There is no notoriety or publicity about it, but quietly he has gone from one penitentiary to another seeing what the conditions are and reporting them, and I am certain that had it not been for his diligent work in that connection, that conditions would be worse and that we might have had riots in some of our Federal institutions.

It is attributable, I am sure, to a lot of his investigations that we do have a better record for nonrioting and observance of laws and rules in our Federal institutions than the States have had.

Mr. Mills, we will appreciate it if you will make a full report and we certainly will do everything we can to see that this condition is rectified. This report will be entered into the record when it is received.

(The report was received at a later date, marked "Exhibit No. 2," and reads as follows:)

EXHIBIT No. 2

UNITED STATES DEPARTMENT OF JUSTICE,
UNITED STATES ATTORNEY,
DISTRICT OF NORTH DAKOTA,
Bismarck, October 25, 1954.

Re: Federal Jail at Fort Yates, N. Dak.

Senator ESTES KEFAUVER,
Senate Office Building, Washington, D. C.

DEAR SENATOR KEFAUVER: Pursuant to your instructions of October 11, 1954, the following report is hereby submitted:

On Monday, October 11, 1954, a hearing on juvenile delinquency was had at Fort Yates, N. Dak., being the headquarters of the Standing Rock Indian Reservation. Acting as chairman was Hon. Estes Kefauver, United States Senator from Tennessee. Also present was the Hon. William Langer, United States Senator from North Dakota, a member of the Subcommittee on Juvenile Delinquency, and chairman of the parent committee, the Senate Judiciary Committee.

At 12:50 p. m., Senator Kefauver, Senator Langer, and the undersigned personally observed the Federal jail at Fort Yates, N. Dak. At 1:35 p. m., when the hearing reconvened, the committee instructed the undersigned to make a report on what was observed at the jail. This is the only jail at Fort Yates, which is also the county seat. The county prisoners are kept at this jail pursuant to arrangements with the Indian Bureau. The jail, however, is primarily used for the Indian wards of the Government who are subsequently tried either by

the tribal court or the United States district court. The county used the jail on 14 occasions in the previous year. The special officer for the Indian Bureau indicates from his records 593 arrests, in virtually all of which the jail was used. The records indicate that more than 60 prisoners have been in the jail at one time.

The outside of the building is neat and trim in appearance, well painted, and with properly-trimmed evergreen shrubbery. The inside of the jail is filthy in appearance, disorderly, and dangerous to the health of the occupants.

On the women's side of the 3-foot wide, barred corridor there were 4 beds, being 2 double bunks in two 5- by 7-foot cells. They were separated from the only toilet by a distance of 3 feet with no doors but only bars between the toilet and the women's cells. This is the only toilet in the building. There are 12 beds in 6 double bunks in three or four 7- by 7-foot cells for the men. This is separated only by bars from the toilet. It is impossible for either the women or men prisoners to use the toilet without being observed by the other. In the past year the women's cells have often been occupied by young girls, 14, 15, and 16 years of age, mostly apprehended on a drunk and disorderly charge. There is no seat on the toilet but only the porcelain bowl.

The canvas on which the mattresses are slung is in most instances ripped and torn to an extent that made the beds sag 8 to 10 inches below the frames. This canvas is covered with grease and filth. These mattresses, without mattress covering, had striped blue and white ticking. All of the mattresses were filthy. One mattress being used in the women's quarters was so completely covered with grease and filth that it was impossible to determine without scraping which direction the stripes in the ticking ran. On throwing back the mattress, insects were observed.

Three women were confined in the jail at the time for drunkenness. They were wiping the dishes in an adjoining kitchen at the time the tour was made. About 20 men were confined in the jail, most of them between the ages of 18 and 25 years. The only broom observed had a broken handle about half way up and the top half of the handle was not seen around. Litter and refuse were scattered about. Many of the prisoners appeared to be wandering around at will.

The overflow is kept in the basement. There were 6 or 8 dilapidated beds, all with filthy mattresses. A floor drain across which everyone necessarily walked to get to the basement beds had been used for urinating and was quite wet and spattered at the time of the inspection. There is only one toilet in the building and none downstairs. All of the prisoners in this correctional institution appeared to be Indian wards of the Government. The man in charge at the desk was a trusty who was in jail for at least his second offense.

Respectfully submitted.

WILLIAM R. MILLS,
Assistant United States Attorney.

I see our old friend, Mr. Fred Port.
Mr. Port, will you come up here?

TESTIMONY OF JOSEPH WARREN WELLINGTON, SUPERINTENDENT, STANDING ROCK AGENCY, FORT YATES, N. DAK.—Resumed

Senator KEFAUVER. Mr. Chumbris, go on with any questions you wanted to ask Mr. Wellington.

Mr. CHUMBRIS. Who is your immediate subordinate on this reservation?

Mr. WELLINGTON. The administrative officer, B. J. Cobb.

Mr. CHUMBRIS. How long has he been in that office?

Mr. WELLINGTON. Seven days.

Mr. CHUMBRIS. So he has been in office a shorter period of time than you have; is that correct?

Mr. WELLINGTON. That is correct.

Mr. CHUMBRIS. Is there anyone else connected with your office who is in the position to answer questions as to procedures and different vital facts that we may need here at this meeting?

Mr. WELLINGTON. The branch heads or heads of the various divisions, I believe, would be able to answer any questions with respect to their individual branch, from an administrative point, probably not overall.

Mr. CHUMBRIS. I understand that there is one question that seems to be of conflict between the State department of welfare and the superintendent's office and also the law enforcement agencies of the State, Federal and Indian tribe, and that is the question of ADC, and illegitimate children.

No, could you state what action is being taken, or what theory is being established as to the establishment of paternity in those cases?

Mr. WELLINGTON. At the present time, and within the recent past, I don't believe there has been a great deal of action taken.

It is recognized by the Indian people, particularly the business council, who are the elected governing body of the tribe.

The matter of determining parentage was a subject of a recent council meeting and the council discussed the problem at length all afternoon. The council are well aware of the seriousness of the question, particularly in view of the fact that there was some \$141,000 spent in Corson and Sioux Counties in the last fiscal year for ADC, which does not include those cases where we have had assistance from Federal funds.

The wishes of the council are for legal assistance with reference to the problems of assuming parentage.

It is well realized by the members of the council that to properly designate parentage of an illegitimate child is difficult and the approach must be made soundly with reference to law.

Mr. CHUMBRIS. Can the people in the audience hear the witness well?

Senator KEFAUVER. You high-school boys and girls come and sit near the front. If you will all come down to the front you will be able to hear much better.

Mr. CHUMBRIS. Doesn't there exist a dispute as to the proper procedure in establishing paternity cases and the difficulties involved?

Mr. WELLINGTON. Would you repeat the question, please?

Mr. CHUMBRIS. Doesn't there seem to be a dispute between the Indian Bureau office and other law-enforcement officers and law and order, as to how you should proceed in these establishment-of-paternity cases?

Mr. WELLINGTON. They have not been questioned since I have been here. Certainly there is a question that with the tribal council as they exist today and the superintendent's office, we are going to ask for a decision from them.

Briefly, I do not know whether that has been before us, or not.

Mr. CHUMBRIS. Did you discuss this matter with Mr. Roberts, your area director?

Mr. WELLINGTON. I haven't had time since my arrival. Mr. Roberts has been on leave in the past 2 weeks. Many of these of which I have heard have been within the last 2 weeks.

Mr. CHUMBRIS. Mr. Mills, do you have any questions along this line?

Mr. MILLS. I understand that 21 of every 100 Indian children born in the county are illegitimate.

That seems to be a startling figure and would seem to indicate that some corrective action should be taken.

Twenty-one out of one hundred shows a very grave illegitimacy problem.

I also understand that the superintendent has certain duties in connection with the police department. He is *ex officio* police leader, or something of that nature. I was wondering if you have any particular program in mind or, if you did not, if you had any experience at your previous reservation which would allow you to tell us now what kind of a program you could initiate that would do something about establishing paternity and providing for support for these children; that is, the 21 out of 100.

Mr. WELLINGTON. The question, Mr. Mills, is very broad. It would involve welfare, law and order, administration from three different sources, from the State department, from the county level, and from the Bureau.

As I mentioned, I do not believe that that has been gone into. It will be. We are still going to have to have a great deal of help to solve it.

However, each of the administrative branches—State, county, and Federal, along with the business council of the tribe, should be able to come to some solution.

I am not going to say that they are going to come to some solution.

Mr. MILLS. What I had in mind was whether any Federal legislation would help solve the problem in this respect: That these ADC payments occasionally seem to encourage illegitimacy and maybe that is one of the reasons why it is such a heavy problem. I don't know, but who in your reservation, who in this area, would know about the illegitimacy problem and what action, if any is being taken to do something about it, both in the line of preventing illegitimacy and in the line of establishing paternity where the child is already born?

Mr. WELLINGTON. I would say that that would involve the doctor in charge of the program, the welfare department, and the law and order department, and the administration.

The problem as I see it is not confined within the bounds of an Indian reservation.

Approximately 1 year ago there was an extensive article written in the Saturday Evening Post which covered the ADC problem in many States of the United States; and certainly it is not a reservation problem. If they in the States are in the position to determine the parentage of illegitimate children, certainly they should be in position to help us to establish this same type of program.

Mr. MILLS. Now, as superintendent of the reservation, I presume that, that being quite a problem here and 21 out of 100 being quite a fabulous figure, you would see fit to call upon some of these people and see what could be ironed out in the line of procedure and in the light of doing something to get paternity established.

Would that be in line with your duties as superintendent?

Mr. WELLINGTON. It would.

Mr. MILLS. Would you suggest that that would be done?

Mr. WELLINGTON. I do.

Mr. MILLS. Could the committee feel fairly well assured that you would call such a meeting and, if you came to a problem where you

were not able to get these people together, would you send the committee a report on the results of your conferences?

Mr. WELLINGTON. I would be glad to do that.

Senator KEFAUVER. That will be very helpful to us, if you will.

Mr. WELLINGTON. I believe there is always the matter of money coming up particularly when you have Congressmen and Senators. It would necessarily involve personnel if you are going to run these cases down, and that is the only way that you are going to be able to ascertain the exact truth of any given situation.

We cannot do that without adequate personnel. Neither do I expect that the county or State will be able to do it. If it is going to take a followup to determine these things, we are going to have to have additional personnel.

Chairman LANGER. May I say that Senator Young of North Dakota, who is on the Appropriations Committee, was invited to be here today. Unfortunately, he could not be here, but I am quite sure he will be with me in the next 3 days.

Being on the Appropriations Committee, if the Indian Service will make known to him the amount of money you need, I feel you will find him very sympathetic.

Mr. WELLINGTON. I am glad to know that, Senator.

Mr. CHUMBRIS. Do you have at this time any specific recommendations to make as superintendent of this Indian agency which will help the administration of Indian affairs?

Mr. WELLINGTON. With reference to the juvenile delinquency—and I do not believe that our subject of reservation administration should be confined to juvenile delinquency—I think that we need an extended educational program. We have delinquency problems arising in communities where their facilities are not the same as they are at Fort Yates, and in small towns or larger towns. The school there is small. The activities which the students might participate in are practically nonexistent.

I think that the health program must enter into the picture. Due to the isolated location of many of the Indian families, we find that the employment, the gainful employment during part of the season particularly in the fall, winter and spring months is curtailed to the point where the income of the families is very low. That would involve our placement relocation.

In addition to the comments that have been made by our distinguished Senators this afternoon with reference to our jail facilities, I am sure that we are all aware that our situation is not the best, but it does take money besides the full cooperation of all law enforcement to better those situations.

Our educational problems are great. They are great not only in the isolated areas but they are great at this particular school. We are short of educational facilities here, lack of classrooms. We find that in the outlying areas. Study will show that where we might be planning today for a gymnasium, as they are at Fort Yates, that upon the records of the preschool children, of the children in the elementary grades the gymnasium and school facilities which we are planning are absolutely inadequate.

Chairman LANGER. Wait a minute. Whose fault is that?

Mr. WELLINGTON. Senator, I am not sure. There are two things. There is a matter of how far are we going to go into the matter of school construction and that is badly needed; and the other is a matter of how the State of North Dakota and the Federal Bureau of Indian Affairs are going to resolve their problems of public-school education for the Indian children.

Chairman LANGER. Is Joe Wicks in the audience?

Will you come up here, Joe? You are going to be in the legislature, I understand [applause]. Here is your chance to ask some questions. We want to find out how much money it is going to take.

Is it going to take \$10,000 or \$100,000? What is it going to take? We want to find out who is responsible for this situation, the board of county commissioners, or is it the governor's office?

Mr. WICKS. Senator Kefauver, Senator Langer, and Congressman Berry, it would put Joe Wicks in an awfully embarrassing position.

Chairman LANGER. I never saw you embarrassed in my life.

Mr. WICKS. To advocate the abolishment of the Indian Bureau and then turn around and ask an Indian Bureau superintendent to cooperate.

Either the Bureau goes out or else turn the whole thing over to the Bureau and let the Congress take responsibility of these Indian people which you intended to do 170 years ago; and now in the 1950 generation streamline it and bring the standard of living up. That is my opinion. Turn it over to the State.

With your relocation program in progress now—and that is gaining—many of these employable young Indian people who have families will move to other States and Territories. Your reservation will get smaller as you start eliminating these services.

Senator KEFAUVER. Mr. Port, speaking for your daughter-in-law, who is also a candidate for the legislature, can you give us any information about what her attitude is?

STATEMENT OF FRED PORT

Mr. PORT. I think I know what her position is on that. I think our Fort Yates school district is a good example of what we have to contend with in our State and county. We have very good cooperation between the county and the Indian service here in Fort Yates.

I don't believe the school situation in North Dakota is such today that they would be able to take and handle the Indian population of students. I think it has to have the cooperation of Federal and State and county.

Mr. WICKS. May I ask a question, Senator Kefauver?

Senator KEFAUVER. Yes.

Mr. WICKS. Do I understand that you are in favor of the Indian Bureau?

Mr. PORT. I am in favor of cooperation.

Mr. WICKS. To have cooperation you must continue the Bureau; is that right?

Mr. PORT. I don't think you can turn it all loose at once.

Senator KEFAUVER. He says it has to be a gradual transition from the Indian Bureau to the State.

Mr. WICKS. I have heard that for 40 years.

Senator KEFAUVER. As you say, Mr. Wellington, it takes money for the Indian Bureau to do the job here for schools and health and fixing up the jail, but I have always felt that the Congress, if it could get the facts and get the recommendation directly from you people, would appropriate adequate funds.

Are your recommendations cut down by the Indian Bureau, that is, your recommendations for the money that you need?

Mr. WELLINGTON. I am not acquainted with the budget that was sent in prior to my arrival. In my experience in the past our budgets, as we have prepared them, have been changed, generally cut down after we have sent them in.

Senator KEFAUVER. How much are they usually cut down?

Mr. WELLINGTON. They vary by various reservations. I couldn't give you a percentage.

Senator KEFAUVER. Does anybody know how much the budget for Standing Rock has been cut down from year to year?

Mr. WELLINGTON. I could get the figures and have them made a matter of your record.

Senator KEFAUVER. Suppose you do that, Mr. Wellington.

(The information was not received in time for printing.)

Senator KEFAUVER. Congressman Berry, do you have any questions to ask?

Representative BERRY. I was very much interested in this report put out by the North Dakota Indian Affairs Commission.

Senator KEFAUVER. Suppose we make that an exhibit to the record.

(The document referred to was marked "Exhibit No. 3," and filed for the record.)

Representative BERRY. I think that is an excellent idea.

The editor is John B. Hart, whom we all know. The thing that is shocking is the fact that in Sioux County, N. Dak., and you will find this on page 16, the incidence of ADC among the Indian people is 47 times greater than among non-Indians in the same county.

Now, how much of that in your judgment, Mr. Wellington, is because of a lack of law enforcement, would you think? Not all of it is. But I mean how much could be helped by more effective law enforcement?

Mr. WELLINGTON. Congressman Berry, I believe that the answer would not only involve law and order, but it would involve the matter of welfare. The figure that you gave I was not acquainted with.

However, it was my belief that the resident population of Sioux County is largely an Indian population and wouldn't necessarily represent the same plus or minus that it might in a county where the Indian population was more evenly distributed with a white population and/or in large cities where you have slum areas. The percentage might not show the same thing, but I believe the welfare as well as law and order should enter the picture.

Representative BERRY. According to this schedule, the non-Indian is 2,169 and the Indian is 1,546. So there are more non-Indians than Indians in the county.

Mr. WELLINGTON. In Sioux County?

Representative BERRY. Yes.

But wouldn't part of the problem be helping these people to get adjusted in communities off the reservation?

We were talking about this thing this noon, so far as our community of McLaughlin is concerned, and housing was suggested as one of the things that is needed, housing in the town of McLaughlin, where these women whose husbands are deceased, who have been divorced and who have children, may be given an opportunity to let their children go to school, to get an education for their children and at the same time have a decent place to live so that they could find employment and help build up their family.

It is no disgrace to be on ADC. That is not the disgrace. The only disgrace is if we do not improve ourselves by being a recipient of ADC. It is a social problem.

Mr. WELLINGTON. It is a social problem. And I was very happy to attend a small business meeting in Mobridge shortly after my arrival at Standing Rock, and the people of Mobridge and in the McLaughlin area are working and are very interested in small business for the reservation in connection with the placement program.

It seems that many people believe that, because the Indian people are on a reservation, they should stay on the reservation.

The land of the reservation could be surveyed and will have a carrying capacity. The same as in any white group there are people who do not care to be stockmen or farmers. If we are not going to help those people to move and become adjusted, our problems are going to be increasingly difficult at reservation level.

Representative BERRY. Do you not think that possibly one of the things that this committee could consider is not necessarily appropriations. I happen to belong to the school that believes that you cannot solve all problems by appropriating from the Federal Treasury. Maybe it isn't appropriations. Maybe the thing is housing. I happen to think that if we could have low-cost housing, somewhere where these people could go to get a loan to build a home, we would have less delinquency.

They want homes. That is what they want. They don't want a dole from the Federal Government. They want a home, and if they have a home to protect and live for there is going to be a lot less delinquency. There is going to be a lot less of everything in my judgment.

I think these people are just exactly like you and I, but I do say that you have to have reasonable police protection. You have to have good laws and you have to have enforcement of those good laws. Otherwise you are going to have all kind of crime running rampant.

I think that this committee could well consider this: As you Members of the Senate know—and I suppose this bill started over in the House because it was such a good bill—FHA was broken down to where it can now be established, where it can now be set up in small towns. But you still have the proposition of where your home has to be up to a certain standard.

I think that there should be some way of providing cheaper homes, homes of maybe 3 rooms or 4 rooms that these people can afford, good, clean substantial homes out of which can come improved families.

Senator KEFAUVER. I think that is a very worthwhile recommendation, Congressman Berry.

Senator Langer, will you ask any questions that you may have?

Chairman LANGER. Are they making any FHA loans to some of these Indian farmers, Mr. Wellington?

Mr. WELLINGTON. Not to my knowledge. We had a most difficult time in the jurisdiction where I came from. We had not been able to break through the ice. It has been broken through in 1 or 2 other reservations. To the best of my knowledge here we do not have that particular type of loan.

Chairman LANGER. When I was Governor, Walter Maddock was head of the FHA and we made 6 loans from this reservation and 6 from Berthold.

Every one of those loans was paid back in full, including interest. We made a splendid record.

I have been trying to find out why that was stopped. Why should an Indian farmer not be able to borrow just as much money as anyone else?

Mr. WELLINGTON. I think that he should.

Senator KEFAUVER. Without objection, Senator Langer, we will have our counsel present that problem to the Federal Housing Administration and to the Banking and Currency Committee; and, Congressman Berry, why don't you present this problem to the Banking and Currency Committee of the House?

Representative BERRY. I would be happy to.

Senator KEFAUVER. Because, as Senator Langer has said, it would be manifestly in their interests to make it possible for them to get FHA homes.

Chairman LANGER. Senator Kefauver, I want the record to show that the farmer should be able to borrow out in the country the same as any other kind of borrower, not only, as Congressman Berry said, "in town." I want the farmer included.

Senator KEFAUVER. Of course, as you know, Senator Langer, you fought along with others for enlargement of the farm part of the FHA program. It was finally adopted in a limited way, but it is not really doing what it ought to do.

I think you are right about it. The report of the North Dakota commissioner has been made a part of the record.

Without objection, also, we will place in the record at this time a very interesting study of the penalties for violating certain laws in the State courts and in the Indian tribal courts.

(The document referred to was marked "Exhibit No. 4," and reads as follows:)

EXHIBIT No. 4

Penalties for violating certain laws in the State courts and in Indian tribal courts

Violation	Maximum tribal sentence	Maximum State sentence	Maximum Federal sentence
1. Nonsupport.....	3 months.....	5 years.....	Condition or parole. 3 years. 6 months.
2. Adultery.....	30 days.....	3 years.....	
3. Fornication.....	25 days.....	30 days.....	
4. Unlawful cohabitation.....	30 days.....	1 year.....	Death.
5. Kidnaping.....	6 months.....	20 years.....	
6. Convey venereal disease.....	3 months.....	Conditional probation.....	
7. Bigamy.....	3 months.....	5 years.....	
8. Incest.....	.....	10 years.....
9. Sodomy.....	do.....	20 years. Do. 3 years. Do. 5 years.
10. Attempted rape.....	.....	½ of life sentence.....
11. Assault to commit rape.....	.....	5 years.....
12. Attempted murder.....	6 months.....	½ of life sentence.....	
13. Receiving stolen goods.....	.....	5 years.....
14. Forgery.....	.....	10 years.....

Senator KEFAUVER. Also we have a schedule here of illegitimate births in various reservations, comparing Indian and non-Indian, which I think should be placed in the record.

(The document referred to was marked "Exhibit No. 5," and reads as follows:)

EXHIBIT No. 5

Schedule of illegitimate births

Area	Total resident births		Total resident illegitimate births		Percentage illegitimate	
	White	Indian	White	Indian	White	Indian
North Dakota.....	15,667	448	213	67	1.36	14.96
Fort Totten Reservation (Benson County).....	205	48	4	7	1.95	14.6
Fort Berthold Reservation (Dunn, McLean, Mercer, Mountrail Counties).....	1,354	108	24	21	1.77	19.4
Turtle Mountain Reservation (Rolette County).....	185	207	4	22	2.2	10.6
Standing Rock Reservation (Sioux County).....	31	40	-----	9	-----	22.5
Total.....	1,775	403	32	59	1.61	14.6

Senator KEFAUVER. Mr. Wellington, we must get along as quickly as possible.

Have you completed your recommendations?

Mr. WELLINGTON. I have.

Senator KEFAUVER. There is one thing on which I would like to ask your expert opinion. Mr. Wicks had a good deal to say about just paying counties and States in lieu of taxes and giving them the entire responsibility for education, law enforcement, and what not. Without going into the matter in detail, do you have any observations you wish to make on that proposition?

Mr. WELLINGTON. My observation would be that if the Indian people have been a political football, some say that the Bureau should continue the readjustment program which they are now going through, and I think they will continue to go through; and on the State jurisdiction, I would say that the Indian people should be asked which way they want to go and how they would like to go along that line.

To cease to become the football, I would say that the Indian people themselves should have the opportunity to participate in that question.

Senator KEFAUVER. To have a referendum with them. Very well.

Does anyone else have a question of Mr. Wellington?

Mr. MILLS. I would like to ask one question.

Wherever you have an illegitimate birth, you of necessity have to have an illegal cohabitation, adultery, or fornication. All of those are punishable under the county laws and punishable at the county level under the State laws.

Who could tell us, as regards this reservation, how many prosecutions have been had either on adultery, fornication, or illegal cohabitation?

Mr. WELLINGTON. For the county, I would say the State's attorney and sheriff and for the Indian Bureau our criminal investigator, Mr. Murphy.

Senator KEFAUVER. Mr. Fiedler is one of our witnesses. He could probably tell, couldn't he?

Mr. WELLINGTON. Yes.

Senator KEFAUVER. Does anyone else have a question of Mr. Wellington?

Mr. Wellington, we thank you. And just as one member of the subcommittee, I hope that as one of those dealing with the Indians you will not be so modest in asking for money for appropriate services for them.

Mr. WELLINGTON. Thank you, Senator. I will pass that word along.

Senator KEFAUVER. Mrs. Josephine Kelly. Would the others come up with her? I think we call several witnesses here together, Mrs. Kelly, George Red Fox, and John Little Crow. Would several of you come up and take your seats here together?

Do you solemnly swear that the testimony you give in this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. KELLY. I do.

Mr. GATES. I do.

Mr. LITTLE CROW. I do.

Mr. GIPP. I do.

TESTIMONY OF MRS. JOSEPHINE KELLY, SECRETARY, STANDING ROCK SIOUX TRIBAL COUNCIL; JOHN LITTLE CROW, COUNCILMAN, STANDING ROCK SIOUX TRIBAL COUNCIL; JOHN GATES, FORMER SHERIFF, SIOUX COUNTY; AND WILLIAM L. GIPP, VICE CHAIRMAN, STANDING ROCK SIOUX TRIBAL COUNCIL, FORT YATES, N. DAK.

Senator KEFAUVER. You are Mrs. Josephine Kelly?

Mrs. KELLY. Yes.

Senator KEFAUVER. And you are George Red Fox?

Mr. GIPP. Mr. Red Fox is not present.

Senator KEFAUVER. We appreciate having you here. The subcommittee is grateful to have you come to give your views about certain matters that we are interested in. Senator Langer is going to conduct 4 investigations in the 4 reservations in North Dakota which will serve as a pattern for problems in the other States of the Union.

We have a number of witnesses this afternoon. We want you to testify fully, but give us your testimony as directly as possible.

Will you proceed?

Mr. CHUMBRIS. Will you please state your full name?

Mrs. KELLY. Josephine Kelly.

Mr. CHUMBRIS. Are you a member of the Sioux Reservation?

Mrs. KELLY. Yes.

Mr. CHUMBRIS. How long have you been a member?

Mrs. KELLY. Ever since I was born. I was born a wild Sioux, I guess.

Senator KEFAUVER. Would that be about 45 years or 40 years ago?

Mrs. KELLY. I hate to tell it, but I am only 66.

Mr. CHUMBRIS. Do you have an official capacity with the tribal council?

Mrs. KELLY. No; I haven't.

Mr. CHUMBRIS. You are a member of the reservation?

Mrs. KELLY. Yes; I am a member of the reservation. And the reservation has what they call a general council. We have a chairman of the general council, and I am secretary to that.

Mr. CHUMBRIS. You are a secretary of the general council?

Mrs. KELLY. Yes.

Mr. CHUMBRIS. How many members are there on the general council?

Mrs. KELLY. Well, it is all the members on the reservation. Whenever they want to go to the general council, if the chairman calls a general council, if they have a quorum of the seven districts, we meet.

Mr. CHUMBRIS. And the general council, then, is composed of every member on the reservation?

Mrs. KELLY. Yes.

Mr. CHUMBRIS. And what is the approximate number of members on your reservation?

Mrs. KELLY. Well, I really don't know the adult members.

Mr. CHUMBRIS. Approximately 1,500?

Mrs. KELLY. I suppose.

Mr. CHUMBRIS. Now, I understand that you have been quite interested in Indian affairs, problems, for many years; is that correct?

Mrs. KELLY. Yes.

Senator KEFAUVER. Why don't you get each of these witnesses identified so that we will know with what authority they are speaking?

Mr. CHUMBRIS. All right, fine.

Now, John Little Crow, will you speak into the microphone, please?

Senator KEFAUVER. Let us get this clear, Mrs. Kelly. Does 1,500 mean 1,500 people, children and grownups?

Mrs. KELLY. Just adult members. Standing Rock Reservation is in North and South Dakota.

Senator KEFAUVER. I have here some statistics on the Standing Rock Indian Reservation. This will be marked "Exhibit No. 6," and entered into the record.

(The information referred to was marked "Exhibit No. 6," and reads as follows:)

EXHIBIT No. 6

STANDING ROCK RESERVATION

1. Land resources

	<i>Acres</i>
Restricted land-----	1, 064, 122
White operated-----	554, 805
Indian-operated (including 144,947 acres in grazing leases)-----	147, 684
In crops:	
By whites-----	51, 080
By Indians-----	2, 737

2. Population (*Sioux*)

Indians on tribal rolls-----	¹ 4, 324
Indians under 18 years of age-----	1, 676

¹ 2,345 fullbloods.

3. Education

College graduates -----	5
Graduates of nurses' training -----	9
Graduates of business training -----	25
High-school graduates -----	320
Elementary-school graduates -----	1, 105
10 percent of 6 to 18-year-olds not in school.	

4. Economic conditions

Average income per year -----	\$767
61 percent live in log houses, predominately 1-room affairs.	

5. Indian settlements

Bullhead District	Little Eagle District
Cannonball District	Porcupine District
Fort Yates or Agency District	Wakpala District
Kenel District	

The Standing Rock Sioux take active part in politics and serve on board of county commissioners, etc. Quite a mixture of white and Indians in communities.

Mr. CHUMBRIS. If I stated that the tribal records show that there are 4,324 Indians with 2,345 fullbloods, would that be correct?

Mrs. KELLY. I really don't know those figures, but I will tell you the general council when it meets there are 7 districts which are represented on the general council and they have a meeting, or else there are 5 districts present. That is a quorum.

Mr. CHUMBRIS. Let the record show that exhibit No. 6 shows that the population of Sioux County is 4,324 Indians on the tribal rolls.

Mrs. KELLY. That would be Standing Rock in North and South Dakota.

Mr. CHUMBRIS. That is the Sioux Tribe, and there are 2,345 fullbloods.

Mrs. KELLY. I think there are more than that.

Mr. CHUMBRIS. And 1,676 persons under 18 years of age.

Mrs. KELLY. I don't know. The tribal council should have those figures.

Senator KEFAUVER. That is what the record shows.

Mr. CHUMBRIS. Now, John Little Crow, would you state how long you have been a member of this reservation?

Mr. LITTLE CROW. Ever since I was born.

Mr. CHUMBRIS. And do you hold any official capacity?

Mr. LITTLE CROW. I am a councilman for this reservation, 1 year.

Mr. CHUMBRIS. One year?

Mr. LITTLE CROW. Yes.

Mr. CHUMBRIS. And what other previous experience have you had with the business and affairs of the Standing Rock Reservation? Have you had any other capacity other than being on the council for 1 year?

Mr. LITTLE CROW. Negotiating committee?

Mr. CHUMBRIS. You were on the negotiating committee?

Mr. LITTLE CROW. Yes.

Mr. CHUMBRIS. How long ago was that? Are you serving on it now?

Mr. LITTLE CROW. Yes.

Senator KEFAUVER. He is a respected citizen of the tribe.

MR. CHUMBRIS. Mr. John Gates, would you state how long you have been a member of the reservation?

MR. GATES. I lived on Standing Rock Reservation 62 years.

MR. CHUMBRIS. And do you hold any official capacity?

MR. GATES. No, sir. I am retired.

MR. CHUMBRIS. You are retired. Have you served previously on the council?

MR. GATES. Yes, sir.

MR. CHUMBRIS. And for how many years?

MR. GATES. I served 15 years without pay.

MR. CHUMBRIS. Fifteen years. Thank you very much.

Chairman LANGER. He was formerly sheriff of the county.

MR. GATES. I have a speech I have made out myself, but I would like to have it on the record, if you let me read it sometime. I will be glad to read it for the benefit of those in the audience.

Senator KEFAUVER. Mr. Gates, we will give you the opportunity of reading your speech. We want to get everybody identified now. You are a former sheriff; is that correct?

MR. GATES. Yes; I almost ran Senator Langer in jail at one time.

Senator KEFAUVER. I understand you later decided he was a pretty nice fellow, didn't you?

MR. GATES. Thank you.

MR. CHUMBRIS. Mr. William Gipp.

MR. GIPP. My name is William L. Gipp. I am a member of the Standing Rock Tribe. I have resided here practically all my life of 32 years. I am vice chairman of the Standing Rock Tribal Council.

MR. CHUMBRIS. Will you please, state, Mrs. Kelly, some of the recommendations that you would like to make to the subcommittee on behalf of members of your reservation?

Mrs. KELLY. Well, Mr. Chairman and members of the committee, first I want to thank the Democrats for getting Senator Kefauver here. We all think the world of Senator Langer and are glad that he is here with us today.

Senator KEFAUVER. I want to thank you very much. There isn't anything in the world I wouldn't do for Senator Langer, and when he suggested that I come out here I broke some other engagements to come. I was naturally glad of also having an opportunity tonight of being with some of my Democrats. But he is the chief man who got me out here.

Mrs. KELLY. We want both the Democrats and Republicans to know our troubles on the Standing Rock Reservation.

Senator KEFAUVER. It is not a political matter. It is something Republicans and Democrats alike ought to do something about.

Mrs. KELLY. Standing Rock Indians are politically inclined because that is where they get notice. When we go to the Indian Bureau we are always delayed and detained and condemned, and I don't know, and I am the most condemned person on the reservation. Senator Langer knows that.

I have hitchhiked to Washington. Senator Langer has helped my delegation to get to Washington. When we get there even the last time, July 15, we were condemned. We were ridiculed because we were stranded. That goes to show what conditions the Standing Rock people are living under.

If you Senators went direct to the homes you would find the exact conditions. I was ticked to death that you went to the jail, that beautiful building there, and found those conditions.

Those conditions are told to me every day, but I never like to complain. I have been back on this reservation since 1924. Before that time I was trying to be a white person, working here and there, and so forth. Then circumstances changed, altered my conditions, and I had to come back to this reservation, thinking that under the Indian Bureau I would have a chance; but instead of that it has been one fight ever since 1924 up to now.

The Indian Bureau and its policy keeps the Indians where we are at now. You people, you Senators, you Congressmen, and so forth, when you put out appropriations, you put them out in good faith, thinking that the Indians are going to get the benefit. Who gets the benefit? The big Indian Bureau and its policy. We all know that. We have been used to that all this time. I want you to know that.

Now, you have been talking about juvenile delinquency, and I am glad you brought that out, but the Indian Bureau has a lot to do with that, too. What do they care about the children? When my children were young, I was ordered to send my children here, there, and wherever the superintendent wanted me to send them.

Senator KEFAUVER. How many children do you have, Mrs. Kelly?

Mrs. KELLY. I had 8 children, and I have 7 now.

Another thing that is never brought out is the servicemen. Talk about juvenile delinquency. Some of those illegitimate children are the best soldiers who ever fought for the United States Government.

The juvenile delinquency shouldn't be brought out. When it comes to a battle for the United States Government, those boys, whether they are illegitimate or not, they are there to fight for their country. They don't say: "He is illegitimate. They can't go."

Senator KEFAUVER. Mrs. Kelly, the only reason the matter was discussed is that it reflects conditions which this subcommittee wants to help do something about.

Mrs. KELLY. I know that.

That same condition exists among the white people, the foreigners that come in, and so forth. That looks like that is a crime against the Standing Rock Sioux Tribe and the Indians. We have a tribal council that runs our business. What do they do? They are knocking on this old Indian woman here all the time.

Here are comments where they condemn me. They call me loose tongue, irresponsible, and so forth. Our chairman calls me that. So when I am talking you know it is my loose tongue going like this.

I am talking for some of these people. Some of these poor old Indians want to talk. They want to go to the office. But there are rules and regulations. I am not saying anything about Mr. Wellington because he is just here. Even the employees if they are a good employee and get along with the Indian they condemn them.

I have an article in which our chairman, Hon. Frank Blackfoot, condemns Mr. Clark. He says we stole money from the tribe. Why don't they put me behind the bars if I did. I have got a reputation almost as good as Senator Langer's, but I am in the jail too according to Mr. Chairman Blackfoot.

Here is Mr. Clark that is dead and gone. He condemns him in his comments, and those comments are taken from our tribal funds. All the little children, all the old people, that is our tribal funds, and he condemns us in the comments here.

Is that right? The Indian Bureau condemns Mr. Clark.

Senator KEFAUVER. Mrs. Kelly, will you go through your list after a while and pick out the letters and statements that you think should be exhibits and we will file them as exhibits.

Mrs. KELLY. I want to read this article. Here is a letter from Warren Spaulding to Mr. Clark. Mr. Clark was a good man. He was part Indian and he was our superintendent. He says:

I personally have great respect for your ability to deal with Indians, and I am sure my desire that your gift of Indian leadership should be carefully geared to prescribed policy and regulation will be entirely understandable to you.

Which means that Mr. Clark, with all his leadership, should do what the Indian policy says. And because he didn't, because he gave me good information and advice to do things for my people, the Indian Bureau has condemned me. I know they have. Our dear Senator over there, he knows how they tried to take the agency away to Mobridge, remove our agency over there.

We have treaties that have never been fulfilled by the Government and our removal agency was connected with our treaties. That is why we still have our agency here. Otherwise they wanted to move it to Mobridge where Mobridge could get all our Indian business. Our treaty stopped it.

I will tell you what reputation they gave me. I went to Mobridge and was doing some business in some store or garage and the man said, "Who are you? Where are you from? What is your name?" I said "My name is Mrs. Kelly." He said, "You don't happen to be Josephine Kelly?" I said, "Yes." He said, "Well, I am surprised to here meet you in the person that you are." I said, "Why?" He said, "I figured when I meet Mrs. Josephine Kelly she would be a hellcat of a woman." That is what this man in Mobridge said to me.

I said, "When I am out among the white people, I try to at least act half civilized. When people try to do tricks on my people that is when I am a hellcat." He said, "You did the best thing for your people when you stopped this agency move."

I went in the hardware store and was talking to a young man and just pricing things. We Indians always go around wishing. I was looking at a nice chair and wishing I had that.

And he said, "Where are you from?" I said, "I am from Fort Yates, N. Dak." He says, "You know, they tell me there is a terrible woman up there. Oh, she is just awful. She is not afraid of anybody. When she gets angry she goes to Washington and quarrels with the Senators and Congressmen. Is she there? Do you know her? She is just awful." I said, "You are talking to her in person now."

See what the Indian Bureau does to this Indian woman. Our chairman is doing the same thing to me. He calls me loose tongue. He says I made those remarks. I have been half civilized. I have been among the white people. That is where I got my education. I don't have no degrees, but my association and listening to Senator Langer and voting for him, I know a little bit about civilization, and I know when a man that condemns an Indian woman, what he is.

Those comments are used with our tribal funds. Why don't the chairman see that some poor little Indian child gets a pair of shoes? There are a lot of children hungry now. If you went to the homes you would find how the Indians lived. We are always planning ahead, waiting for the Indian Bureau to do something.

All they do is ask money for the Indian and when it comes here we don't net nothing. ADC: In our treaties the United States Government promised to take care of the old and indigent, educate us, and so forth. There are a lot of high-school children here, and when they get out the first thing they do is borrow some money and get some education. Why should we go into debt when the Government promised to educate us? These young children as soon as they are through school they should be allowed money according to our treaties.

Our representative said we don't want doles. We don't. We have got it coming from the Government. We have been doling to the United States Government all these years. Ever since my grandfather signed treaties we have been doling to the United States Government. When foreigners come in they get all the help they can.

Senator Kefauver, you are near Kentucky. I think a few years back I read in some newspaper where they dug a lot of gold from the Black Hills, and reburied it in Kentucky. Why don't you try and get those dug out and send it back to the Sioux Nation?

There you are. Why are they keeping that over there? Give it back to us or give us the Black Hills back.

We have got timber down there. We have got the best fishing and I think the United States Government beat us out of the fishing because your grandparents never thought of putting fish in our treaties.

Every year Eisenhower or some of those big shots go there and fish. We like fish, too.

I can tell you one thing that another thing is that talk about your educating a lot of our Indians. We believe just the way our grandparents did when they signed treaties. When the white people first came out here, I think it was missionaries came out, and our grandparents accepted Christianity. They accepted civilization. They didn't have no education, couldn't read or write; but they accepted civilization and they accepted Christianity, many of us hundreds of Indians that send their children to mission schools that never get any help from the United States Government.

I sent seven of my children here to this mission schools. When they got ready to go to high school, some of them graduated from this high school, and one graduated from a Catholic mission high school, and took up nursing in the Catholic nursing training school, and when she got through she sent her application to this hospital, and Mr. Hypard said, "I have got this position filled up." That was my daughter.

What they can't get out of me, they get out of my children. That has been the way of this Indian Bureau up to now. I have letters. On our last trip to Washington we went there on a shoestring to fight against a bill that Congressman Berry introduced. That is our privilege. When we don't like anything, we are still in the United States. We go to put out our grievances.

In one of the comments here, Congressman Berry said that he was sorry that he couldn't get his bill passed this session. I hope before

the next session he will do something better. He promised some of the South Dakota people, and he will do something better.

When our tribal council came back, even Mr. Spencer calls us the unofficial delegates just as much as to say we went there unofficially. We went there because we had a petition signed by the people of Standing Rock. I think we have a right to petition Congress. Isn't that right?

Senator KEFAUVER. That is right.

Mrs. KELLY. This is the United States Government.

We went there on a shoestring and got there in time to be present at the hearing. We were thankful for that. They call us unofficial delegates and use our money.

This sheet of paper could almost buy a loaf of bread for some little child around here. I know the hard times that the Indians are having because I have been through the mill myself.

Mr. CHUMBRIS. May I ask you a question, Mrs. Kelly?

Mrs. KELLY. Yes.

Mr. CHUMBRIS. In discussing the various problems with your people what recommendations have they made through you to present here to the subcommittee and could you specify them as to 1, 2, 3, 4, 5, or how many they may be?

Mrs. KELLY. There are plenty of them, too.

Mr. CHUMBRIS. Could you be specific so we could make a record of them?

Mrs. KELLY. I have a petition here signed by a good many people that they don't want the tribal council to misuse their funds. They want their funds to be stopped being misused in comments like that, and so forth. They want to abolish the tribal council. They want to abolish the Standing Rock land enterprise. That is our petition here. The land enterprise was an enterprise started when the reorganization act came in.

Mr. CHUMBRIS. Do you have that petition in writing?

Mrs. KELLY. Yes; I have it here.

Mr. CHUMBRIS. May we have it at this time? Are there any other recommendations that you have?

Mrs. KELLY. They want to abolish the Standing Rock Tribe. Here is something about our Black Hills. Here it is. Now, this was started for us to take when we went into Washington, but we didn't get to that because the menfolks that took us down there were anxious to get back. They had business to attend to. We were supposed to get our expenses, but the Indian Bureau refused to pay our expenses.

Mr. CHUMBRIS. For the record, I will read the petition.

We the undersigned, adult members of the Standing Rock Sioux Indian Tribe, hereby respectfully petition the Congress of the United States to abolish the Standing Rock Sioux Indian Tribal Business Council and tribal land enterprise program now in existence on Standing Rock Sioux Indian Reservation. The following delegation is hereby authorized to handle any business pertaining to tribal affairs of the Standing Rock Sioux Indian Reservation: Delegates are: Josephine Kelly, Ethel Ankle, Edward Loon, James Red Fish, and also any other individuals who wish to go. We request that such delegates' expenses be paid from tribal funds or any funds appropriated by Congress.

And there is a long list of names.

Chairman LANGER. The petition will be marked as an exhibit and filed for the record.

(The document referred to was marked "Exhibit No. 7," and filed for the record.)

Mrs. KELLY. Anyway, we asked for expenses and they turned us down. Anyway, we got enough to buy gas and they were going to allow us a dollar a day for our meals. We made a kick on that. They also wanted to send us to the foreign agency to get help which I thought was very unnecessary for them to do.

Another thing is when I got back here one of the employees, very good people—I will tell you there are a lot of Government employees that are very nice, but that is the policy they are working under. I went to one Government employee here and when I got through with my story they said, "Mrs. Kelly, I understand you and your delegation went to the Soviet Embassy when you were in Washington." So, of course, I was rather surprised. I said "Well, did you go?" I said, "No; we didn't. I am sure glad you told me that because I found out how dumb I was." Maybe if I had gone to the foreign embassies they would have treated our delegation better than the way the Indian Bureau treated us. Do you suppose if we went to the Soviet Embassy would they have treated us better than the Indian Bureau treated us? The Senators and Congressmen were fine to us, but when we went to the Indian Bureau "We have no money. We can't pay your expenses." And here word came out that we went to the Soviet Embassy. If I was smart enough maybe I should have gone to the Soviet Embassy. Maybe I should have gone to the United Nations.

Senator KEFAUVER. Mrs. Kelly, I am going to ask to interrupt you for just a second.

I just wanted to announce that because of an engagement I have to leave at this time, and I am going to read every word of this testimony. I certainly am interested in your problems. I will talk with Senator Langer about what all of you witnesses said, and I am determined that sometime soon I am going to come back and be with Senator Langer out here again because I am very anxious to know about problems that you have and conditions in the reservations. I hope that we can help you with them. I am very sorry I have to leave.

Mrs. KELLY. I sure appreciate that, Senator.

Chairman LANGER. Thank you, Senator, very, very much.

You may proceed, Mrs. Kelly.

Mrs. KELLY. I am glad that Senator Kefauver had a chance to hear some of our complaints.

Our Indian people, a lot of them, would be here today but they had no way of coming here. They are so hard up and poor, and right now you could go to some of those homes and there is nothing to eat for the children. I have a case right here, children of veterans, nothing to eat when I went and helped them.

Chairman LANGER. Mr. Hart, Mrs. Kelly says she has a case of a woman with nothing to eat in the house. Would you listen to this testimony carefully?

What is the name of this person?

Mrs. KELLY. This happened in June and before that time. Her name is Maggie Antelope. She has two small children that are children of deceased veterans, and she asked me to help her get some money.

Chairman LANGER. You mean her husband was a soldier?

Mrs. KELLY. She was married to two soldiers and has children from the both of them. They are both dead. For a whole year the Veterans' Bureau has been sending money here to this office for those children, and different times I went with her, but they wouldn't give her any of her money because they said she was married again. So, of course, she got along the best way she could, and then that man of hers got into some trouble and has landed in jail some place.

At the same time those children are little human beings. I went to the superintendent before Mr. Wellington. I went to him and he wouldn't do a thing. He said, "I am not going to do a thing for her." He wouldn't even as much as tell that woman how much money they had.

Anyway, I went to bat for her, and finally with the aid of the chief of police, I mean the judge—first I went to the welfare and the welfare man, instead of considering those little children, said this: "Now, I am not doing a thing." Mr. Parks—I think he is here—said, "We have a report from the law about this woman and I am not doing a thing." So then, I said, "All right. If you are listening to the law, we will go to the law."

So we went to Judge Zahn and he appointed me as temporary guardian for this woman. So, of course, I knew her condition. She didn't have a thing to eat and in between after her husband left she was selling different things that she had, that she was down to nothing, didn't have bedding or hardly any clothes for the children. So, of course, the judge appointed me as temporary guardian.

So then I went to bat for her and I bought—through my guardianship in 1 month we spent \$600. The price of groceries and clothing is higher, and in 1 month's time we bought furniture, bedding, clothing, and groceries, and she had to have wood. That all went in 1 month, and right away she wanted a house.

When I started looking for a house for her, they stopped the whole thing, and said I spent that money foolishly. One of these fine days, they are going to bring me on the carpet and I will land in jail then I guess.

Here is a letter from her after I quit. She didn't get no allowance for July, August and then in September, the latter part of September. I think it was, or October, before she got \$65 for herself and the two children.

The CHAIRMAN. Make the letter a part of the record.

(The document referred to was marked "Exhibit No. 8," and reads as follows:)

EXHIBIT No. 8

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
STANDING ROCK INDIAN AGENCY,
Fort Yates, N. Dak., October 4, 1954.

Mrs. MAGGIE ANTELOPE LONG CHASE,
Fort Yates, N. Dak.

DEAR MRS. LONG CHASE: We are enclosing a check in the amount of \$65 drawn from the account of Jason Lee Black Tomahawk for the needs of himself and sister, Louisa Mae Antelope.

You will recall the conversation in the superintendent's office on Friday, October 1, 1954, at which time it was explained to you in detail, that the children's funds received from the Veterans' Administration were to be used for their needs only. These funds are not to be used to support other members of the family and/or relatives.

The amount you are receiving at this time must provide the children's needs for the entire month of October. It is your responsibility to so plan and utilize these funds in the best interest and the welfare of the children, so there is a certainty that they are not being neglected.

We appreciate your cooperation and will be glad to assist you any way that we can.

Very sincerely yours,

J. W. WELLINGTON,
Superintendent.

By: MONTELL C. PARKS,
Social Worker.

Chairman LANGER. Mr. Onsrud, did you wish to make a statement?

Mrs. KELLY. Out of that \$65 she paid \$15 for rent.

Mr. ONSRUD. Mrs. Kelly, was this case originally supposed to get allotments from the Veterans' Administration?

Mrs. KELLY. I think so.

Mr. ONSRUD. Do they send it through the agency?

Mrs. KELLY. Yes.

Mr. ONSRUD. Then does the agency disburse them to the family?

Mrs. KELLY. I never knew that there was any money. She said she was getting \$50, and when I asked Mr. Spencer how much she had there, the boy had \$1,600 and the girl I don't know.

Mr. ONSRUD. Did you go to the county welfare board in this process?

Mrs. KELLY. No.

Mr. ONSRUD. I would like to know this just as State welfare director. When these veterans' allowances are made to a wife of an Indian soldier they go through the agency, is that right?

Mrs. KELLY. They went to her direct, but somebody made a report saying she was misusing the funds so they took them away and sent them to the agency.

Mr. CHUMBRIS. Mr. Gipp said he could answer.

Mr. GIPP. From my affiliation with the American Legion and Veterans' Administration, the Veterans' Administration had received complaints that the mother was misusing the money. Whether those facts are true or not, I did not see the written complaints, but the Veterans' Administration thought they were right. They then directed the funds to the Indian Office, of course, after they had appointed the superintendent as the guardian.

Chairman LANGER. Mr. Mills, do you have a question on this?

Mr. MILLS. No.

Chairman LANGER. Mr. Kastler?

Mr. KASTLER. Not at this time, Senator.

Chairman LANGER. Congressman Berry?

Representative BERRY. On this particular item, no.

I did have some comments. You were talking about being happy that the committee could see the conditions of the jail. Commissioner Emmons was here 3 weeks ago and I personally saw that he got into a number of homes, not the best homes, not necessarily the middle-class homes but some of the worst homes, and it was because I wanted him to see the conditions that exist and the need for relief and the need for help this winter.

I know that Commissioner Emmons, after he had visited South Dakota, sent directions into Washington to entirely increase relief assistance for this winter because he said it is certain that in South Dakota, if you don't have more relief, more surplus foods, that there is going to be considerable suffering this winter.

Chairman LANGER. What did he say about North Dakota?

Representative BERRY. That includes all of the Sioux Reservation, I am happy to say, Senator.

Now, with regard to this bill that you went to Washington on, I should just like to say that it did exactly what you are talking about. Instead of loaning the money for education, we set up \$6 million for this reservation, part of which, almost a fourth of which, was for education, vocational training, higher education; and it was a grant, not a loan, but a grant to these people for the rehabilitation of people who wanted to learn some trade or profession. It established almost \$2 million for that purpose and then to help them get established, too, if they wanted to be a painter, to buy paintbrushes and painting equipment.

Not only this, but the tribal council was authorized to make loans to buy them a home so that they could be established. I think it was the most complete rehabilitation program that has ever been worked out. It of course provided for the buying of livestock, helping the young people to get established in livestock, those who wanted to be livestockmen; but for those who didn't want to be livestockmen, it provided funds for them to get an education, for them to get training.

In addition to that, it set up about \$2 million, the interest from which would be used for relief purposes for these people who were between the age of rehabilitation and old-age assistance; and then it provided relief for the real old people, so that it took care of every step, every age group of the people on this reservation.

I think it was the most complete rehabilitation program that has ever been devised for Indian people. In addition to that, it provided for almost \$6 million for payment to the tribe and it allotted Indians for the land that they are going to lose under the Oahe Dam.

I am not ashamed of the fact that I have been fighting for the Indian people. In fact, I am proud of it. I spend four-fifths of my time on just this sort of thing. So I am proud to have had an opportunity to represent my people, my Indian people, in fighting their battle for them and helping them to establish just the thing that you are testifying for here today.

Chairman LANGER. As a matter of fact, you were sent here by the chairman of your committee, were you not, the subcommittee?

Representative BERRY. That is correct, to represent the Indian Affairs Subcommittee in the House at this hearing here today and to work with Senator Langer in anything that we can help do to straighten out and be of benefit to the Indian people on these reservations.

Thank you, Senator Langer.

Chairman LANGER. We are glad to have you here, too, Congressman.

Mrs. KELLY. Well, Congressman, I am glad to hear that. But at the same time the people on Standing Rock didn't want that long-range program. They said, "We have had long-range programs for years, and it is all for the benefit at this time of the Indian Bureau."

Mr. Spencer here says that we are an unofficial delegation. I point out that we were not. Now, Congressman Berry, if we were unofficial and we were telling lies, wouldn't they have had the right to get up before your committee and testify and correct our mistakes?

Representative BERRY. Wait a minute. You had all the time you wanted to testify.

Mrs. KELLY. Surely they could have had some more time.

Representative BERRY. They could have had time. It wasn't that you didn't have time.

I am just saying that I think that that bill that gave you people \$12 million on the Standing Rock Reservation is a good bill and I don't think that you hurt it any.

Mrs. KELLY. He says, "I am sorry that the unofficial delegation saw fit to make these false charges against the tribal council and the negotiating committee." We never made false charges.

Why did Mr. Spencer write this after he came back? If we made false charges, why weren't they men enough to get up before your committee and say that those people are making false charges? We went there because the general public sent us there.

Chairman LANGER. This subcommittee is not here to listen to re-criminations.

Will you go ahead?

Mr. CHUMBRIS. Can we hear from Mr. John Little Crow at this time?

Mr. Crow, what we would like to get from you is specific recommendations of problems and questions that the people on your reservation have asked to be presented to this subcommittee through your representatives who are up here on the stage this afternoon. In other words, please confine yourself to those recommendations and those problems and those questions that they want us to study and make the necessary recommendations to the Congress of the United States.

Chairman LANGER. And put in where if in any way they conflict with Federal laws so that Mr. Maxwell and Mr. Mills can get the benefit of your views.

Mr. LITTLE CROW. Well, they subpoenaed me to be at this Senate hearing investigation. I didn't know nothing about it or what it was for, but when I came here at this time I know what it is for.

Now, the people, speaking for the Cannon Ball District, the Cannon Ball Indians were divided into three groups. Some of the groups they want to be under the State supervision and some, one group like to stay under the Indian Bureau. One group of the young generation I don't think that they understand either one. They don't care much about it.

At this time I want to state that our generation now today are all—if you go to homes all the children are talking English and forget their native language. So I think that we are going forward and what I was going to say is this: That some of these younger boys and girls are going to school and I know they are. They want to have education. So when they get through their education they are the ones to turn loose because they have education and they should support themselves or maybe support their fathers and mothers.

I think that is all I can say.

Mr. CHUMBRIS. Do you have anything further to say at this time?

Mr. LITTLE CROW. No.

Mr. CHUMBRIS. Thank you very much.

And now we will hear from Mr. William Gipp. Mr. Gipp, you understand that we want to hear from you as to whatever recommendations you may have that the members of the reservation have imparted to you to be presented at this meeting.

Mr. GIPP. Mr. Chairman, prior to coming here this afternoon, it was almost impossible to gather any information from any of the members of the tribe as to what they would want. We didn't know what the committee was coming here for. We understood it was going to be confined strictly to juvenile delinquency, and now we find it is more or less of a general investigation.

I better apologize ahead of time for any mispronunciations I might make because my vocabulary is limited.

I would like to first comment lightly on some of the statements already made here. I believe one of the witnesses in talking in favor of the State taking jurisdiction of the Indians they mentioned that the State was now supporting ADC, old-age assistance, the aid to the blind, the physically unfit, they mentioned that that was four-fifths. There was only one-fifth left. But that does not pertain to population.

I think that we have approximately 5,000 Indians on the reservation, I would guess. Our rolls have now exceeded 5,000. It leaves us 3,000, assuming that 2,000 are off.

If four-fifths are being taken care of, one-fifth of 3,000 is 600. That means that 2,400 are on old-age assistance and ADC. That is not true. The one-fifth that was left, if you divide it into five categories, did not spell that one-fifth of the population was what we had to worry about. There is a lot more.

I would also like to comment on one of the statements made. I believe they referred or made the statement that the State had the obligation of the Indian. We did not in the past make any treaties with any State. We made our treaties with the Federal Government.

And before I go any further, for the benefit of the record, I would like to make a statement here that I am not an Indian Service employee. I am not behind the Indian Service. I am not behind the State. All I want is the best thing we can get for our people.

I believe there was a statement made. I believe Mr. Mills asked one of the witnesses as to a jury in tribal courts. I don't believe the State has a jury in their minor courts. When you go before the justice of the peace for, let's say, drunkenness, or a minor charge, I don't believe the county or the State would be in a financial position to sponsor a jury every time there was an offense committed.

Mr. MILLS. Mr. Gipp, I wonder if you are aware that the tribal court, without benefit of a jury or with a jury, and only one-half of that jury can find a man guilty of kidnaping and give him a 6-month sentence, while, if it were a Federal offense, the man could be electrocuted?

I don't advocate a justice-of-the-peace court trying what the Federal Government considers a death-sentence case.

In regard to the district courts, we have an awful lot of misdemeanors tried in district courts, and there are felonies tried in district courts. Your justice-of-the-peace court relates itself primarily to very, very minor offenses.

So if I have made any misstatements to mislead you, I am very sorry. I hope I corrected them.

Mr. WICKS. Mr. Gipp, in the State of North Dakota, you have the right of jury trial in any court for any crime whether you are drunk or if you steal a pigeon or chicken.

If our tribal courts err, I am sure the tribe and myself stand by to assist in any way we can.

When we talk about law and order, perhaps the reason there is a laxity is due to funds. The Federal Government who is obligated to maintain law and order on this reservation have failed us. They have two police to patrol this whole reservation.

So what did they do? The tribe has to come up and, out of its little meager income, hire 7 police, buy 1 tribal car to escort prisoners back and forth, and to pay 2 judges to act in our courts to hear the cases.

So what the Federal Government is evidently trying to do, or the Indian Bureau, whoever is doing it, is they are reneging on their obligation and pouring more on to us which we cannot consume. Our funds are limited.

Chairman LANGER. If a fine is assessed by tribal council, where does the fine go?

Mr. GIPP. The fine goes into a law-and-order fund which is used to maintain the jail and that is insufficient.

There are occasions where the tribal council will have to dip into a fund that we have in our budget called for unforeseen needs. We have to dip into that and help pay a grocery bill.

Chairman LANGER. How much is your grocery bill a year?

Mr. GIPP. On an estimated annual income we estimate approximately \$85,000.

Chairman LANGER. What do you pay these judges apiece?

Mr. GIPP. The judges get \$8 a day whether they have 1 case or 20.

Chairman LANGER. Do you pay the members of the tribal council anything when they meet?

Mr. GIPP. At meetings, yes; they get \$8 per day for meetings.

Chairman LANGER. Can they meet as often as they want to, or 1 day a month?

Mr. GIPP. No; they have their regular meeting 1 day a month and occasionally there is a special meeting called when the chairman sees fit.

Mr. MILLS. I think Mrs. Kelly would be interested in how much of the tribal fund goes into this.

Mr. GIPP. I couldn't quote you that figure now.

Mr. MILLS. Mr. Blackfoot is here. Would he know?

Mr. GIPP. I don't know if he would know offhand.

Mr. BLACKFOOT. They were all caught up.

Mr. MILLS. Did you ever budget?

Mr. WICKS. While Mr. Gipp is here, Sioux County, N. Dak., also contributes \$60 a month for the support of the so-called Indian jail.

Mr. GIPP. I don't know the figure, but they pay the cook.

Mr. MILLS. She is part of your organization?

Mr. GIPP. That is right, which is in lieu of the prisoners the county might have there from time to time.

Chairman LANGER. Now, do these prisoners ever work out their sentences?

Mr. GIPP. I don't know. I can't say correctly, but I have been led to believe that they cannot sentence them to hard labor.

In other words, they can work if they so wish, and if they do, they will be given good time and extra days knocked off their sentences, perhaps. I don't know.

Mr. MILLS. Do you know how this particular tribal court was set up? Do you know who made the regulations or rules under which it operates?

Mr. GIPP. Yes; I think that was set up by the Secretary of the Interior or it was approved by him.

Mr. MILLS. Then did the tribal council approve it afterward?

Mr. GIPP. I believe they approved it or approved it prior to his approval.

Chairman LANGER. Now, as to this tribal council, in my experience down in Washington, not from Standing Rock, but from another reservation, a group will come in. Then about 2 months later another group will come in and say, "We fired that tribal council. We are a new tribal council."

Have you a rule or how do you work that?

Mr. GIPP. We have 14 members. Let me say it this way: We have 7 directors on our reservation; each director furnishes 2 men to serve on this council, which, of course, makes 14, and there is an election every year; 7 terms expire and there are always 7 left on it. They all terminate. Then the chairman, who runs at large, makes the 15th member.

Chairman LANGER. Now, when Mrs. Josephine Kelly came to Washington she says she was called unofficial. Why was that?

Mr. GIPP. I suppose for the reason that she was not given authority by the Government body. She was elected by the people.

I would like to state further, Senator, the legality of the petition just now submitted. Is it legal to have more than one subject on the petition? Shouldn't you, when you have a petition to ask me to sign it, shouldn't you only have 1 subject, not 3 or 4?

Chairman LANGER. What are the rules of your tribal council? That would settle it.

Mr. GIPP. We have no rules as to how many subjects can appear on a petition at one time.

Chairman LANGER. If you have no rules, of course, they can appear. Of course, a bill in the legislature can only apply to 1 subject, or a referendum can only apply to 1 subject or an initiated measure, but in the tribal council you can make your own rules, I imagine.

Mr. GIPP. That is right.

Chairman LANGER. You could have 1 or 2 or 5 or 10 or 15 subjects.

Mr. GIPP. It is very likely in good business we would like to keep it, like our State or Federal Government does it, which would, of course, in sound business, you would pertain to one subject.

Chairman LANGER. What I want to know is this: Supposing you are elected for 2 years and then the people who elected you are dissatisfied with you, can they meet and fire you?

Mr. GIPP. I don't believe that we have ever had that done.

Now, the tribal council can. If it can be proved that you have committed an offense or gross misconduct while a member of the council, the council can expel you.

Chairman LANGER. That is an individual?

Mr. GIPP. That is an individual.

Chairman LANGER. But this reservation I am talking about dealt with land appropriated by the Government, and they were told to buy other land. The tribal council took one action on it, and the people were dissatisfied, so they circulated a paper among the families, and two-thirds of the Indians on that reservation signed it.

Under tribal rules, can they recall a council, or can they not recall?

Mr. GIPP. I couldn't say.

Chairman LANGER. In the United States you know you can recall a governor or attorney general, but you cannot recall a county commissioner.

I wondered which rule prevailed on our tribal council.

Mr. GIPP. I don't know that. I don't believe that has ever happened. I believe that is something that we don't have regulation on. I don't recall of any council ever being recalled.

I have heard of them being expelled from the council for crimes or misconduct in line of duty especially.

Chairman LANGER. You may proceed.

Mr. CHUMBRIS. Is that the end of your statement?

Chairman LANGER. Just a moment here. The counsel from Washington says a referendum is common.

Mr. KASTLER. The referendum is a common feature to be found in a tribal constitution.

However, I don't know that a rule is. I am not familiar with your Standing Rock constitution, so I can't myself answer whether or not there is a referendum or recall.

Mrs. KELLY. May I answer?

Mr. GIPP. When we were down in Washington and before the subcommittee presenting our bill on the Oahe Dam which was discussed a minute ago, let's say the unofficial delegation as they are called, was instructed that if they were not satisfied with the present council, they were to vote them out; that was why they had elections. They said nothing of a petition. I don't know if it's possible or impossible.

Chairman LANGER. Now, this unofficial delegation went down because you were dissatisfied with the tribal council; is that it?

Mr. GIPP. I understand the unofficial delegation went down there because they did not approve of the rehabilitation program.

I would like to make a correction there. It was referred to today as a long-range program. That is incorrect. It was referred to at that time that we exiled all of the different subjects that made up this bill, as an overall rehabilitation program.

It was to be reservationwide.

Chairman LANGER. But what puzzles me is this: We have an election in the State and we elect a group of State officials, attorney general and governor and industrial commissioner.

I assume you elect your tribal council the same way.

Now, your tribal council acts on something. Do you mean that after they act that the people can still send an unofficial delegation down to Washington in addition to the tribal council?

Mr. GIPP. I don't believe they can, but they did, and that is it.

Chairman LANGER. If they did, who paid them?

Mr. GIPP. The tribal council did not pay them.

Chairman LANGER. Where did they get their money from?

Mr. GIPP. I would rather not say.

Chairman LANGER. It is immaterial to me, but what I am curious about is that you have an election and say that for 2 years, A, B, C, D, and F and G are going to be our representatives.

Then they agree to something and 2 months later another crowd comes to Washington and says, "We are the unofficial people elected by the people."

Now, can you explain that? Just how does that work?

Mr. GIPP. Well, I suppose that if I wanted to go down to Washington to oppose a bill, all I would have to do would be to draw up the petition and say on top that is what we want. That is all we want, and I think I can get enough signers and I think a lot of the signers probably donated to pay the expenses of the unofficial delegation that went to Washington to oppose the Oahe bill.

Chairman LANGER. There is no objection to that? That is their privilege in this country, but the second crowd would be unofficial?

Mr. GIPP. As far as the tribal council; yes.

Chairman LANGER. When Mrs. Kelly was down there she was not a member of the tribal council at that time?

Mr. GIPP. That is correct.

Mrs. KELLY. But I am still a member of the tribe.

Mr. CHUMBRIS. Do you have anything further?

Mr. GIPP. Yes; I would like to comment on juvenile delinquency. I don't think our problem is too bad here, yet, but it all starts, as was mentioned here this afternoon, from our living conditions, which are deplorable.

I think that we, if there was a prize given for the slum area, even if we would have to call it a rural slum, I think we would win the cup.

Sometimes a husband and wife and 3 or 4 children and maybe a brother and his wife, stay all in 1 room. Our children are growing up. It is a terrible situation. There isn't anything the Indian can do about it.

That was the reason why we were requesting \$14 million from Congress in our Oahe bill to make it overall rehabilitation. It was not long range, as some people referred to it. It was overall.

That is where our juvenile delinquency breeds. They see the parents taking a drink or two occasionally, which is all right. It is legal. But they have no place where they can put the children to bed and get them out of the way where they can have their drink or two and other things.

Chairman LANGER. May I say that the next time you come to Washington I will do what I did with Dr. Stuckey, of Garrison. I took him in an automobile and within three blocks of your Nation's Capitol I will show you far worse slums than you have here in North Yates.

I think you have seen them, Mrs. Kelly.

Mrs. KELLY. Yes; I have seen them.

Chairman LANGER. That is one reason why this subcommittee was organized, to wipe out that sort of thing every place in the United States of America.

When you can have a country like ours giving away billions and billions of dollars a year—this year \$3 billion to foreign countries—and within three blocks of the National Capitol have situations where you find 5, 6 to 11 people living in the same room, where, for example, you find the drinking water right next to the toilet—and I am not going into all of the other conditions that are prevalent—it is for that reason that the Senate Judiciary Committee organized this subcommittee and that is why the Congress appropriated the money to have us go to the different parts of the United States.

If you think you have bad conditions here, if you had been with this subcommittee, as our counsel will tell you, here, we find them far, far worse in some other places.

We are simply trying to do the best we can to see if they can be remedied.

Mr. GIPP. Well, Senator Langer, the reason that we stress the living conditions is that we are trying to rebuild a race of people. The Federal Government took this race of people some years ago like a piece of lead. They melted it in a ladle and they make a mold and they poured it.

Today this investigating committee has opened that mold. We find perhaps that there is a flaw or two.

Now, the world is traveling at such a fast pace that we are supposed to be living and acting and talking like white men, but now we haven't been able to catch up to you. You are converting a race of people just the opposite from the way they were used to living.

I saw it proved in the courts of our land here that the background of the Indian, his customs, that he has inherited through the years, all spell something, don't they? They all tend to make him just a little bit harder to turn into the white man's ways than the average white man, because we have never had the opportunity to do business, to live like the white man. The time has been so short.

Chairman LANGER. You are absolutely right.

Miss Jerry, when I was governor, and later under Gov. John Moses, made a study of one of the reservations and she did an unusually good job, as Mr. Onsrud will tell you. We found that whenever the Indians on the reservation had any money or anything to eat they invited in all their relatives and divided it, which is, of course, just the opposite of what a so-called white man does. He keeps it to himself even though the others may starve to death.

We found that there were 600 unenrolled Indians that Collier dug up. He dug up Yale and Harvard graduates. He found 6,000 in Minneapolis alone.

The more he could find, the more employees his department would have.

We found that those 600 would stay on the reservations and live off their friends and relatives and then move to Montana and eat over there until that food was gone, and then move back again.

Of course, I got John Collier on the telephone as you know, and we would get five thousand, or ten thousand, but it won't last very long.

I think John Hart is here today and he is, I fervently hope, going to take a long time in testifying, because he in my opinion is just as good a friend as has ever held public office in North Dakota.

I want to compliment you on your statement because you are absolutely right, in what you call the white man is trying to change the Indian away from his habit of dividing what he has with his relatives.

I remember when I was governor Joe Wicks came to me and said, "In Standing Rock there is a lot of hunger." I didn't believe it because I was taking the word of the authorities in Washington.

He said, "Get in my car and I will show you."

Remember, all we found in 2 or 3 homes, Joe, was just potatoes and in one home we found some of this Red Dog flour, the very cheapest kind of flour.

That was the time Mr. Collier sent down \$12,000. Giving this money by \$5,000 or \$10,000 or \$12,000 is no permanent remedy.

What this subcommittee is interested in is to try to work out something through Federal laws, and that is why the Federal attorneys are here, and through State laws, and through your treaties where we can get them all together and pick out some permanent thing that is going to be satisfactory if we can possibly do it.

Mr. GIPP. I believe there were figures quoted here this afternoon, or this morning, on the high percent of illegitimate children born in our county. That also probably should be considered with the conversion of the race of people.

Chairman LANGER. I have just one remark to make about that.

Why should an Indian be obliged to pay one hundred or two hundred dollars to get a divorce? Why cannot your tribal council take care of that divorce thing without having a State law here that says that some lawyer is to get \$150 or \$200 and does not that, in a measure, go right down and cause some of this illegitimacy they are talking about?

Mr. GIPP. That is correct, Senator, and I would like to state that that was discussed in our tribal council. I don't believe there was any record in the minutes, and due to the different churches and religious organizations we thought that we might be criticized for taking part in assisting in divorces. So we just dropped it like a hot potato and let the State handle it.

Mr. CHUMBRIS. Thank you very much, Mr. Gipp.

Mr. GIPP. I would like to state further that not only do we need homes to curb our juvenile delinquency, but we need facilities. This agency is very, very short. The whole reservation, all of its districts are short on recreational facilities for our children.

We have been without a gym here since I believe 1946 or 1947, until just here last winter they built one over here. It is more or less serving as a temporary gym until the Government appropriates money to build the gym that was proposed here, I think, some 15 years ago.

The amount of money appropriated was \$216,000, which is inadequate.

Our enrollment this year over last year's enrollment is 69, I think it is, and now with the evacuation of the Oahe Reservoir—the evacuation of these different tributaries along the river—we are assuming that there is going to be a majority of those who are going to move into this agency which is beginning to bring your enrollment up.

Chairman LANGER. I would like to come back for a minute to this divorce. The Attorney General issued a new order that the United States attorneys cannot take private practice.

I want to know if there would be any objection to an assistant United States attorney handling these divorces, and could he represent both sides, or could a country attorney do it, or can a tribe hire one lawyer to do it?

Mr. GIPP. The tribe is not officially able to talk to any attorney.

Chairman LANGER. There certainly ought to be some method worked out. I practiced law in Mandan and was State's attorney here, assistant for 3 years and county attorney 2 years more, and I used to see some of those Indians who are destitute walk over here to the little building which used to be the courthouse here, and they would be paying some lawyer in Mandan or Bismarck \$100 or \$150 or \$200 to get a divorce.

You had some lawyers down here who would do that for nothing. I know that Mr. Feidler's father here tried many, many cases for nothing when he was down here.

Of course, they would have to have a lawyer on the other side. They came to me and B. W. Shaw and John Sullivan, and, of course, if a lawyer from Mandan or Bismarck had to come down here it took a couple of hours to drive down.

Sometimes your cases didn't come up and you would waste a day. Of course, that lawyer would have to be paid something.

It does seem to me that when you have 21 percent of illegitimacy it is much, much higher than it was when I was county attorney of this county.

I think any of the oldtimers here today will verify that. We had very little illegitimacy when I was county attorney, and then State's attorney in 1914 to 1920.

The records will bear us out. I am kind of puzzled as to why this increase is taking place unless it has been the difficulty of securing a divorce.

Mr. GIPP. Well, for one thing, of course, your population has increased which, of course, would increase any other difficulties that you might have had then, as to now.

Chairman LANGER. How many terms of court do you have a year?

Mr. GIPP. None.

Chairman LANGER. None?

Mr. GIPP. That is correct.

Chairman LANGER. Mr. Feidler, you are State's attorney here. How many terms of court do you have a year?

Mr. FEIDLER. We have about three terms a year down here. I think Mr. Gipp meant jury terms. We haven't had a jury term.

Chairman LANGER. In other words, if a divorce case comes up now, it can be heard in 3 or 4 months.

Mr. FEIDLER. Yes, Senator.

Chairman LANGER. Of course, in Bismarck or Mandan, by agreement of the parties, it can be heard any time.

Mr. FEIDLER. Yes, Senator; that is correct.

Chairman LANGER. Is that the rule down here?

Mr. FEIDLER. That is the rule, Senator.

Chairman LANGER. Does the judge come here when you want cases, or do you go to some other part of the county?

Mr. FEIDLER. We often go to Mandan or Dickinson or Hettinger. During the regular term they always come to Fort Yates.

Mr. GIPP. I am sorry. I thought you were referring to jury trials. We haven't had a jury court. That is what I thought you were referring to.

Chairman LANGER. You are talking about recreation now. What kind of recreation do you want?

Mr. GIPP. We need playground equipment. We need this new gym. We need other indoor equipment.

I understand that the Federal Government here doesn't have funds to purchase the needs for our school. We have dormitories here and it was only the last 2 or 3 days that the senior and junior classes, I believe it was, came before the tribal council requesting a television set so that they could occupy their winter evenings and the council went

on record to purchase this television set and we will be criticized to high heaven for purchasing a television set for our children, but we must make the schools as attractive as we can to keep them in school. Otherwise, they are going to run away and we will have more juvenile delinquency.

Chairman LANGER. I have a recollection that when I was governor you had a championship basketball team here.

Mr. GIPP. That is right.

Chairman LANGER. And you had some Indians who came up for the title boxing tournament.

Mr. GIPP. Yes; prior to 1947 we had a gym. Since then our team has been unable to do anything because they have had no place to practice until last winter.

Chairman LANGER. I wonder what Mr. Wicks can tell us about that. He was chairman of the board of county commissioners.

Mr. WICKS. If you are going to expand the Bureau, yes. If you are going to liquidate it, these children won't be here at this boarding school.

Chairman LANGER. In the past did the county commissioners donate any money toward recreation?

Mr. WICKS. I think one time we gave them two hundred and in some communities like at Cannon Ball, the white people contributed and we set up a student fund and the kids had shows and sold candy and stuff and bought their own basketballs and baseballs.

It was on a self-supporting basis. These children took a prominent part to promote it. The greatest part, as I see it, is supervision. We had a couple of bad outbreaks at the boarding school in past years. It is a terrible situation to mention here, but they are facts and should be brought before your committee, because it comes right back to what I said this morning.

What you have to have is more men and women to supervise if you are going to have these so-called large recreational programs. You can't turn them loose because we had a sample of that here and had pregnancy in three cases.

We had a homosexual maniac around here and just things that don't fit in the community and don't fit in American society. You have got to have supervision.

Chairman LANGER. That, of course, takes more money.

Mr. WICKS. That is right.

Mr. GIPP. Coming back to facilities for our schools, I don't believe that anyone can use—if we were to go back here and appropriate instead of this \$216,000, if we were to make that \$300,000, and build something that you can use, raise your sights up.

Our Indians have been criticized. We have been criticized because we never thought about tomorrow.

Your tribal council has raised their sights and are starting to plan for 15 or 20 years and if we saw a gym being built here that would be inadequate at the time it was completed, it would be almost useless to us.

If we could build something and could say, "Well, now, this gym will, in our estimation, still serve the purpose 10 or 15 years from now," then we would be accomplishing something.

Now, regardless of whether the Indian Bureau stays or whether it goes, those facilities are going to be needed here and I sincerely believe

that if and when the State ever decides to take the Indian Bureau, or take the Indians over, as I have heard mentioned, they are going to demand that these schools be up to par.

For example, the floor space is right down to the minimum. The playing space, and there is hardly any provision made for a seating capacity. I think the seating capacity is 300 and we have almost 300 students.

Where are the parents going to sit? If you don't have the parents in on these activities, the child loses interest.

Mr. WICKS. Senator, can I clear up one thing with Mr. Gipp there? He made a remark early in his testimony that he disagreed with the figure of one-fifth.

Four-fifths of the Indians are being taken care of. I was the person who made that statement and I still stick by that statement.

I have two little orphans now under the juvenile court's jurisdiction. They receive \$75 per month. They are living with an old lady who gets old-age assistance of \$31 a month.

To prove my point, because Mr. Gipp stated to you that if you run a population figure it won't come out this way, I will prove to him that it will come out smaller than that where the Indian Bureau is very, very negligent in their so-called relief, because you have the dual setup.

You have a relief program at the courthouse and handled through the Indian Bureau at the agency. That makes an income for that lady 76 years old of \$117. Fourteen people are living off that \$117, and I have the grocery slips to prove it.

The \$75 I got through a district judge in North Dakota by a court order. I, as juvenile commissioner, am required to submit to him the grocery slips each month to the district judge to supervise expenditures. He is trying out a new policy, supervision of public funds, because, after all, these are public funds.

One day we find on the slip it took 4 pounds of coffee and 8 pounds of sugar for 2 little children, one 4 years old and one 7 years old.

There is your answer.

Mr. GIPP. Yes, Senator, figuring the way Joe is.

Mr. WICKS. I don't do that. That is the district court of North Dakota that handed down the court order that they wanted the grocery slips.

Mr. GIPP. That is only natural, I imagine.

What I am getting at is I wanted to comment that if you estimate the amount that is eaten in that home and in some cases, we might find that then Joe's figures might be correct. I wouldn't want to contradict.

Mr. WICKS. They are human beings. You, as a council member, are responsible for the Bureau.

Yes; you are a member of the council; you can tell Mr. Indian Bureau here this is what we need. It is his job to go to the Congress.

Mr. GIPP. I am coming to that, too.

On this relief question, on the one-fifth that Joe mentioned that should be taken care of, maybe that part of that one-fifth is eating off somebody else, but, if you were to get that all broken down and get to the right people, it would be a lot more than one-fifth, I am pretty sure.

Mr. WICKS. I will break them down quickly for the Senator, and for the representative of the Indian Bureau. That one-fifth are the employable group. Your rules and regulations at the agency say an employee, able person, is not eligible for relief during the summer months. Is that right or wrong? I think it is right.

Mr. GIPP. I think that is right.

Mr. WICKS. That brings me right back to my statement this morning that we are dealing with the Congress now. This is the committee that takes the right to the Congress.

Senator Young is for this program. We get more money to relocate these people where they can have gainful occupations.

This one-fifth will be cut down to approximately one thirty-second and the only reason that they will be in a relief category status is due to the minor physical handicaps where a factory won't hire them. They might have an impairment of hearing or a spot in the eye because in early days on this reservation we had a lot of trachoma and a lot of them have spots in their eyes and they are turned down in factories for that.

That can be ironed out very simply.

Mr. GIPP. Figuring on the percentage basis of population, we have approximately 3,000 Indians.

Mr. WICKS. Four, now.

Mr. GIPP. No; I mean living on the reservation. And you claim that the State is now taking care of four-fifths. Six hundred is one-fifth of 3,000. You multiply that by 4 and that makes you 2,400.

So then that means that 2,400 are eating off the State and only 600 are not. That is where I disagree. They are not eating legally. They might be eating, but not legally. The checks are not in their name.

Mr. WICKS. Just a minute. What did you say about the 600? I have a report here in my hand of the North Dakota Indian Affairs Commission. This is the official record, and when we take the county of Sioux we see the figure of 1,660, which its 60 percent, and broken down to a percentage basis of the so-called ADC program it is 47 times greater.

Mr. GIPP. Forty-seven times greater than what?

Mr. WICKS. Than the non-Indian.

Mr. GIPP. I am not discussing that.

Mr. WICKS. I am as still sticking to my total figure.

Mr. GIPP. That all comes right back in. I am not saying these things because I am a tribal councilman.

Mr. WICKS. I know. They are fact that we want to bring out to him.

Mr. GIPP. Supposing the percent is greater. We are reconverting a race of people. Are we supposed to convert without any difficulties?

There is supposed to be a flaw and a snag along the line.

Mr. WICKS. What I am trying to get out to this committee is that if one-fifth of the entire enrollment of Standing Rock has given full employment, you will have no problem. Do you understand what I mean now? You will have no more relief as far as the agency is concerned.

Mr. GIPP. I think if you would say 40 percent, maybe 50 percent—

Mr. WICKS. No, the relief roll take over 50.

Chairman LANGER. How many are on relief? How many actually? How many checks are issued?

Mr. GIPP. Joe says we have ADC, old-age assistance, blind, and permanently totally disabled. You have 600 in each one.

Mr. WICKS. There isn't 600.

Mr. GIPP. According to your figures there would have to be to make your 3,000 Indians. I am positive there are no 600 on old-age assistance.

Mr. WICKS. You go on with your testimony and we will get these figures ready.

Mr. GIPP. There is one thing, though, we certainly would appreciate, and that is if anything could be done concerning policies being put out here from the Secretary of the Interior, the Commissioner of Indian Affairs, the area office, or wherever they originate. They come out here, these policies, and that also includes bills that have been proposed in Congress affecting us Indians directly or sometimes indirectly.

For example, let me use public health. Our medical services I understand are going under public health as of July 1, 1955. We have never been consulted. We have never had any one explain to us what public health is, what will happen.

They just come out here and say, "That is it." And we certainly would like, we have requested before to different ones in Washington, and we even adopted a resolution requesting that Congress see that a committee or a representative of the Indian Service or whoever they might wish, would come out here and explain it to us and consult with us.

After all, we know, although we can't make our own way; we still know what might be good for us or might be bad for us.

Mr. MILLS. Mr. Gipp, Mr. Wicks has indicated that he feels you are working very closely with the Indian Bureau. What I am interested in is the tribal laws.

You did state that the tribal laws were made by the Indian Bureau, I believe, and approved by your council; is that correct?

Mr. GIPP. No; I believe that they were—I would hate to say. They were made long before my time.

Mr. MILLS. I am pretty sure that is the way it happened.

Have you ever had occasion as a tribal council to revise those laws?

Mr. GIPP. Yes; we have.

Mr. MILLS. Would you please name one that has been revised?

Mr. GIPP. We amended our code of offenses in one instance where we disregarded what they call Indian custom marriage. We would not recognize that. It would be unlawful.

Mr. MILLS. Have sentences ever been changed on those offenses that are in the book?

Mr. GIPP. I doubt it very much.

Mr. CHUMBRIS. Does that complete your statement, Mr. Gipp?

Mr. GIPP. They were getting some figures.

Mr. CHUMBRIS. They will put those in later.

Mr. GIPP. I would like to comment just shortly on law and order again where I believe it was mentioned here about the State or the Federal Government subsidizing taxes to the county or to the State and doing away with the Indian Bureau.

Land is the only thing that this Indian Bureau has here, or that we Indians have here. We have a big interest in the school and would like to keep it the way it is because we want to avoid discrimination,

which we run into when we get out into the public schools, especially adjacent to our reservation.

If we can get far enough away it is a lot better.

I think you here are acquainted with such problems.

We also find discrimination in our courts. Many times it is shown that there is discrimination in our courts. That is the reason the tribal council has been hesitant about recommending to abolish our tribal court and turn it completely over to the State or county.

I can cite instances where, for example, it was believed that a certain individual was arrested, an Indian boy. I was told he had committed a crime. At the time of his hearing he was told that they would lessen the charge if he would plead guilty and I understand that is what he did.

Whether he was guilty, or not, is not the question, but we have had the feeling, and many of our Indian people have had that same feeling, that they thought that there was a chance of getting a little better deal in our tribal courts.

I am not upholding the tribal court. I am not saying that they are functioning on the level because I don't know exactly what is going on.

Mr. MILLS. You are aware that as a member of the council you could change the tribal court laws to make the sentences more like those in other places?

Mr. GIPP. Yes.

Mr. MILLS. Yet you said that you haven't changed them. I was wondering if there is a reason for that, or is it that you haven't gotten to it yet?

Mr. GIPP. We just have never had it brought up in our tribal council meetings. We have some offenses that are quite severe and yet the penalties are only 5 days, and yet we have some where the offense is really minor and the penalty is severe.

Mr. MILLS. Those which deal with family life and on which a great deal of the society is based, in the State you get 5 years, but in tribal court you get 25 days or 30 days, and they don't seem to adapt themselves to family life, to the family system of society.

Since the tribal council has the opportunity of changing these any time they want to, and of having more stringent sentences on those things which do cause juvenile delinquency, I was wondering why it had not been done.

Mr. GIPP. Those that pertain to family life, I believe, as offenses that should be tried in Federal court or State court.

Mr. MILL. But at the present time the Congress hasn't seen fit to place them as a Federal responsibility. For instance, let us take adultery, or illegal cohabitation, which both have a great deal of effect on children being born and with no one to support them, no one to see that they are raised right, no father around to give them guidance, would you say those should be prosecuted by the Federal, or would you say that those should be prosecuted by the tribal, and if by the tribal do you think that the 30-day sentence is adequate when in the State you go right outside of Sioux County and get 5 years? Is that all right?

Mr. GIPP. No.

Mr. MILLS. Did you think that 21 out of 100 being illegitimate with no one to help bring those kids up, to train them, with no father around, do you think that is just because of the adjustment of a race?

I don't think they are that different.

Mr. GIPP. I think that some of the blame should lie there, yes, and there are other things, broken homes. Sometimes in cases we find a home where the parents are getting along well together and yet don't have management of the children.

The Indian doesn't discipline their children like the white man does. They are not severe in their discipline. They talk to the boy or girl, but the boy is, after he gets to a certain age, more or less on his own.

That is an old thing that has been brought through the years.

Before the white man came we had no juvenile delinquents. Now they bring up all of these percentages on how many juvenile delinquents there are compared with other sections of the United States; how high our percentage is on illegitimate children compared to others, but no one ever stopped to say that we have never yet heard of an Indian Communist. This tends to the changing of a race. The Communist Party doesn't enter into this at all.

We are changing a race of people who believe in Indian custom marriage; maybe 90 percent of them feel that when they do get married they will do it legally, but there is that little 10 percent who say "No, we will just live together."

So there is where your illegitimate children come in.

Mr. MILLS. How do you correct the situation?

Mr. GIPP. It is going to take time. Your Indian liquor law has been repealed and things are a little bad now, but I think they are tapering off.

Mr. MILLS. I can walk from Cannon Ball to Fort Yates and step on nothing but empty beer cans.

Mr. GIPP. I don't doubt it a bit.

Chairman LANGER. Do you think that situation will gradually improve?

Mr. GIPP. It is going to take time; that is correct.

We are changing a race of people who have lived just the opposite from the way they are trying to make us live now.

Chairman LANGER. In your tribal council a man and woman could say, "We are going to be married, man and wife"?

Mr. GIPP. The Federal Government used to recognize that, but they don't any more.

Chairman LANGER. I understand that. You say there are perhaps 10 percent that still follow the old customs?

Mr. GIPP. That is correct. That, of course, leaves broken homes, and, of course, I think the percentage has gone up all over the United States because of the wars. Everything has been so uncertain. Things are still uncertain. They are still drafting boys and the Korean conflict has just cooled off and now it is Indochina, and all those things tend to this sort of thing.

With the changing of a race of people I think that in time of course, there are probably lots of things along the line that we could better and if there is and we could be of assistance, I assure you that we will do everything we can.

We want the situation corrected and the sooner it is, the better for everyone.

Chairman LANGER. Of course, some of your tribal laws may be better than the State laws.

Mr. MILLS. Then we ought to change ours, but somebody is wrong.

Chairman LANGER. I am not one that believes that the white man's law is the best because certainly when the Indians were in control they had plenty to eat. They had buffalo. The white man got in and cleaned them out overnight. That was one way of subduing the Indians, was to do away with the buffalo.

Mr. WICKS. 479 checks multiplied by 5 gives you 2,395 Indians. How many have you off reservation. That gives us a total?

Mr. GIPP. We estimate approximately 3,000 on the reservation. You multiplied by 5. I think you are multiplying a little too strong.

Mr. WICKS. We are using the five-category program. Four are now provided for under social security, which is not the American taxpayer.

Mr. GIPP. How many individual checks are issued?

Mr. WICKS. 479. That is social security.

My argument is to this committee that if they make more money available for this relocation and the man here from the Department, from the Bureau hands me a note and says, "You mean one-fifth in addition to those employed"—

Mr. GIPP. I think your figure is too low. I think you will find more than one-fifth who could be employed if we had, say, small industry here, or some type of work for them. I think you would find more than one-fifth who are either just temporarily employed or just unemployed.

Chairman LANGER. We want to thank you.

I would like to have John Hart comment.

Mr. Friedler here, we will take you.

Mr. WICKS. Mr. Chumbris, before Little Crow gets off, I want to ask a question.

Did you come to my place about 5 or 6 months ago and tell me about some little children who were in need? Do you remember when you talked to me about certain little children?

In the juvenile court we do not mention names. So don't mention the names. Do you remember when you drew my attention to some little children that were in need?

I was the one that turned your name in to this committee to be called pertaining to juveniles.

Chairman LANGER. We will recess for 15 minutes.

(A 15-minute recess was taken.)

Chairman LANGER. The meeting will please come to order.

Mr. CHUMBRIS. We would like to introduce exhibit No. 9, which, shows assistance in Corson County and also from Sioux County Welfare Board.

Chairman LANGER. That will be included in the record.

(The information referred to was marked "Exhibit No. 9," and reads as follows:)

EXHIBIT No. 9

SOUTH DAKOTA STATE DEPARTMENT OF PUBLIC WELFARE,

CORSON COUNTY OFFICE,

McIntosh, S. Dak., September 20, 1954.

M. C. PARKS,

Social Worker,

Fort Yates, N. Dak.

DEAR MR. PARKS: Complying with your request, I am submitting the following caseload of Indian public assistance recipients in Corson County and the amount received from July 1, 1953, to June 30, 1954:

Assistance	Household	Individuals	Amount
OAA.....	840	900	\$30,738.00
ADC.....	1,092	1,370	88,506.60
AB.....	115	115	4,008.50
AD.....	5	5	150.00

¹ Children.

Very truly yours,

M. G. HATCH,
County Director, Department of Public Welfare.

SIoux COUNTY WELFARE BOARD,
Fort Yates, N. Dak., September 15, 1954.

Mr. J. W. WELLINGTON,
Superintendent, Standing Rock Indian Agency,
Fort Yates, N. Dak.

DEAR MR. WELLINGTON: The following is the information requested in your letter dated August 26, 1954:

Program	Household	Number persons	Total
ADC.....	903	2,102	\$53,161
ADC-FH.....		55	1,911
APTD.....	87	87	3,873
AB.....	76	76	2,850
OAA.....	575	691	25,860

Sincerely yours,

CARL OLSON, Executive Secretary.

Mr. CHUMBRIS. Will you please read into the record your statement, Mr. Gates.

STATEMENT OF JOHN GATES

Mr. GATES. My name is John Gates. I am 65 years old.

I am a member of the Standing Rock Sioux Indian Tribe. I have lived upon this reservation for 60 years.

When Commissioner Glen E. Emmons came to Rapid City, where he spoke to the chamber of commerce, I was invited to a luncheon in order that I might hear his speech and benefit therefrom. I was sipping my last cup of coffee when he said, "The future looks bright for the American Indian."

I nearly choked, because I have heard that for over 60 years. Those words I have always used to attack the Indian Bureau, corruption and misuse of our tribal funds which are done under the direction of the Indian Bureau.

Our chairman, F. David Blackhoop, of the Standing Rock Sioux Indian Tribe, uses tribal funds to print his daily comments which are untrue and utterly lacking in a honest foundation by attacking the members of this tribe.

In one of his comments he printed that I, John Gates, robbed the Hurdsville Bank of Hurdsville, N. Dak. I would like at this time for Mr. Blackhoop to come before this committee and prove that I robbed the Hurdsville Bank.

Corruption in another department is law and order of the tribe on Standing Rock Reservation. They arrested Eddie Halfenstein, and his attorney brought suit, resulting in an award of \$225, which is on the minutes of the tribal council.

Judge Zahn went to the tribal council and received \$225 and paid his fine, which came from Standing Rock tribal funds.

This, of course, was sanctioned by F. David Blackhoop, the chairman of the Standing Rock Sioux Tribe, who was Zahn's brother-in-law.

Behind closed doors the tribal council have changed the constitution of the Standing Rock Sioux Tribe that the chairman stay another 2 years in office, fix his own salary, and this without the knowledge of the Standing Rock Tribe.

Mr. Montell Parks, who is the Standing Rock agency welfare worker, is not wanted here by this tribe because of his actions. He wants to send all the Indians to the penitentiary before giving anything to his clients.

Senator Kefauver, I wish you would take Parks back to Tennessee and put him in the cottonfields, as, if we are given a chance, we can take care of our own affairs.

If it wasn't for our sheriff, Louis Snider, and our State's attorney, Bob Feidler, there would be many Indians in the penitentiary. These two men have greatly benefited the Sioux people and done a grand job of law enforcement. They could have accomplished a great deal more had they been given the proper cooperation of the Indian Bureau during the past 6 years.

The Standing Rock people are very much concerned over the two bills H. R. 9533 affecting Standing Rock and the other affecting Cheyenne River Reservation. These bills were introduced by Congressman E. Y. Berry, of South Dakota, who is the acting chairman of the House Committee on Indian Affairs.

This would exclude hundreds of Indians that have shares from resources and tribal lands along the Missouri River when the Oahe Dam is completed and impounds the water.

When I say hundreds of Indians on the reservation, it would also hurt Indians who live off the reservation. This is so because in the bill it says that only residents who reside at the time on the reservation will benefit.

This is class legislation, pure and simple. The off-reservation Indians should have an equal opportunity with those living on the reservation.

I strongly oppose penalizing those persons who have had to leave the reservation in order to gain a livelihood.

The great problem on Standing Rock is simply poverty. The Senate should provide legislation so that every enrollee could be gainfully employed and be able to have running water, inside lavatory facilities, and electric lights.

From my constant observations over the years the people of Standing Rock would benefit greatly if separated from the Indian Bureau and integrated into the States of North and South Dakota.

I have great confidence in the North Dakota Indian Affairs Commission. I have special confidence in the ability of Joseph Wicks, a member of this commission, who understands the Indian problem better than any other person in North Dakota.

What little advancement has been made on this reservation has been due entirely to the persistent efforts of Joseph Wicks who has for many years been in the front leading the battle for complete equality for the American Indian.

I humbly ask you Senators assembled here to heed the advice of Joseph Wicks and I am sure that he can point out adequate solutions for all Indian problems.

If I had waited for the Indian Bureau to build me a home in Rapid City, I would never have had a decent home. I would have been living in a tent at Oshkosh Camp, or at the dumpgrounds.

Lincoln once said: "Let the people know the truth and the country is safe."

I sincerely hope that you Senators here today will by your investigation learn the truth about Indian affairs in North Dakota and impart such knowledge to your fellow Senators upon your return to the Capital.

Our time is getting short.

Ladies and gentlemen, I want to say this: We are still in America. Let's get rid of the Indiana Bureau and this kangaroo court and this rubber-stamp tribal council and give it back to the people.

In regards to rehabilitation, I will say to the Congress, give them money and let them rehabilitate themselves because the Indian Bureau has been trying to do that for a hundred years. Everything they have done was a failure.

Thank you.

Mr. CHUMBRIS. Thank you very much, Mr. Gates.

Would Father Ryan please come to the stand, and Reverend Hines, would you please come up here also.

Chairman LANGER. We are very, very glad to see both of you gentlemen. Neither one of you is going to be sworn because it is not necessary.

We will hear first from Father Ryan.

STATEMENT OF FATHER FRANCIS RYAN

Mr. CHUMBRIS. Father Ryan, we would like you to give us the religious viewpoint that is so necessary in any program dealing with juvenile delinquency, and give us your particular views that will enlighten this subcommittee so that it may help in making recommendations to the Congress and cleaning up any difficulty that may prevail here as to juvenile delinquency.

Father RYAN. So far as juvenile delinquency is concerned, there is no such a thing as juvenile delinquency.

First, we must go into the home. We must go into the home. There, let us place the blame where it belongs; on the parents, not on the children.

After all, the home is the first school which we attend. There is where character is formed, and there we carry that out into the world with us.

Insofar as the Indian youngsters are concerned, I don't think they are any worse than any other individuals.

Now, take on the end of the reservation where I am, we have absolutely no means of recreation. Consequently there may be a possibility that there is some juvenile delinquency, but not as much as may be expected under such conditions.

I have tried several times to try to get a project going whereby we would be able to obtain a gymnasium in order that those youngsters may receive or have proper recreational facilities.

Now, if they go wrong, there is no one to blame. We have poured thousands and thousands of dollars into projects across the sea. We have poured enough money into old Mother England that we own the land and all her colonial possessions, but yet when it comes to affairs at home, they are sadly neglected.

And most of all, the Indian people are most neglected. If it were possible, Senator Langer, for you to go in and see some of the homes in which those people live, you would see that it certainly is deplorable.

Chairman LANGER. I might say, Father Ryan, that I have already done that.

Father RYAN. How in the name of God can we call ourselves a democratic nation and then let the citizens within our own borders suffer?

I think we had better first sweep the dust off our own doorsteps and let the foreign countries take care of their own affairs. Charity begins at home, and if there is any possibility under heaven to relieve the situation, to give those people a chance to rehabilitate, to have better living conditions, so much the better.

It is something which should have been done 150 years ago, and it would be much easier accomplished than it is now.

For example, we will take the American Negro. If he did not have the opportunity immediately following the Civil War to get out on his own, then he would be just as dependent as the Indian.

But that is where the Indian Bureau fell down. It has been nothing more or less than a political football throughout the years which has been kicked from party to party with little or no results.

We see what has happened today. The Indian is entirely, we have made him entirely an individual to be dependent upon the public. There is where we have fallen down.

Let us try, if there is any possibility, to right this condition which has been going on for the last 150 years. It is high time.

There is no reason why it should exist. There is no reason why the younger element of the Indians should have to go out without recreational facilities. I have 23 Indian children on my end of the reservation without absolutely any means of recreational facilities. If they do go anywhere they have to go 15 miles to the nearest gymnasium.

Is that fair? Why can't the Government issue some money whereby it is possible for us to erect a recreational center for those young people and it is something they will appreciate, and I can daresay that when we do that there will be no such a thing as juvenile delinquency.

Anyhow, there is no such today. Let us blame the parents.

Too, a great percentage of our juvenile delinquency of today is due to the fact that the parents do not insist upon the children doing those things which they should do. It has come to the fact that they have a great disregard for religion. They have assumed the attitude that we just won't cooperate.

Now, the younger element in the Porcupine district will not come to church on Sunday. I don't know how it is with you, Reverend Hines, where you find the same condition or not.

There is where the parents are to blame. I don't know why it is. They have that devil-may-care attitude. They don't, if I may use the correct English terminology, they don't give a damn. That is right.

Mr. CHUMBRIS. Father, where is your church located, for the record?

Father RYAN. It is at Porcupine. That is about a mile and a half from Shields, N. Dak.

Mr. CHUMBRIS. How many members of the Indian race do you have in your congregation?

Father RYAN. I have 24 Indian families in my congregation.

Mr. CHUMBRIS. What is their attendance record to the church?

Father RYAN. Well, the average is about eight on each Sunday where there should be more.

Mr. CHUMBRIS. And what is their record as far as the individuals themselves? Do they go to church, let's say, once a week, once a month, once in 6 months?

Father RYAN. Those who go, go very regularly. The same ones all the time.

Mr. CHUMBRIS. How long have you been at that church?

Father RYAN. Two years.

Mr. CHUMBRIS. Have you noticed whether the ones who go to church show less tendency for getting into trouble than the ones who don't go to church?

Father RYAN. Well, that is a \$64 question.

Mr. CHUMBRIS. It has many implications; is that correct?

Father RYAN. Yes. Of course, there is this situation existing that there is too great a love for firewater which should never be.

Mr. CHUMBRIS. Do you have any recommendations as a leader of religion to make to the subcommittee in the field of religion to improve this particular problem?

Father RYAN. Well, the only thing that I could say along those lines would be supervised recreation and seeing that the Indian children were properly instructed in their own religion, their own religious belief.

Mr. CHUMBRIS. Have you any suggestion as to religious education and educating the parents as to the parents' responsibilities toward the children to go to school, to go to church, to live by the Golden Rule? Do you have any suggestions along that particular line?

Father RYAN. No, that would really be a job for the church itself.

Mr. CHUMBRIS. Thank you very much, Father, for your comments this afternoon.

Reverend Hines.

STATEMENT OF REV. CARL HINES

Reverend HINES. Thank you.

Mr. CHUMBRIS. Would you state your full name?

Reverend HINES. Rev. Carl Hines.

Mr. CHUMBRIS. Would you please state how long you have been in this area?

Reverend HINES. About 7 years.

Mr. CHUMBRIS. And at which churches have you officiated?

Reverend HINES. I have had three churches, one in Freda, N. Dak., and one in Selfridge, and I started Indian work in Fort Yates around the early part of 1948 and I have been here since then.

Mr. CHUMBRIS. What denomination?

Reverend HINES. I was sent here from Poplar, Mont., as a minister of the Assembly of God, ordained in about 1943. Since then I pulled

out from the present organization because I have revelations in the Word that said that we are the Body of Christ and we are one.

If we separate ourselves one from another, I believe we are separating the body of Christ.

Mr. CHUMBRIS. Would you please state to the subcommittee some of your findings and recommendations that you would like to submit to us this afternoon?

Reverend HINES. The one recommendation that I believe should be above all else is to teach our children in school more about alcoholism and the effects of alcoholism.

I believe I received a revelation that I didn't read in the Book. A scientist sometime ago made the amazing discovery that the life of the flesh was in the blood, and that is true, because Moses back in the Old Testament said the life of the flesh was in the blood. There is something else. The Bible says that the iniquities of the fathers are visited on the children for the third and fourth generation.

At the present time I have talked to doctors and they haven't brought it out yet, but they are going to discover that alcohol is handed down to their children, the man's blood is submitted to his children. That is a proven fact, and alcohol is going to be submitted to the children before they are born, and I told one child not long ago, a teen-aged boy, who hasn't touched liquor, I said, "For the life of you don't touch liquor, because I see you are doomed before you start."

I talked to a doctor last week and he said some people take 30 years to be alcoholic and another is alcoholic in 1 week. There are some situations at North Dakota that are not the law's fault.

But that might be the State's fault partly, I am convinced. I am convinced that an Indian cannot handle liquor as he should be able to. I don't believe anyone can handle it, in fact.

I believe that liquor in its place is in hell, but not here on this earth, but we have had trouble with it since the beginning of time.

Things are going on here because of liquor. Twenty years ago if a man doped a girl and took advantage of her, he would be sent to 20 years in the penitentiary, but today there are boys doping girls every day and night and you can go around in cars and catch them at it, and the girl doesn't even know half the time what is going on.

One boy told me, "Me and my father-in-law, we stripped 3 girls down here in a house and ravished them all night, and 2 of those girls turned up with babies all year."

I know of things that I shouldn't say as a minister, but one told me, "I started to rush up a group of women, a grown woman, and she said, 'Give me a few more drinks first.'"

These things are going on, 4 and 5 children being born to mothers without a husband, and they have never been married to a man. These things are the fault of liquor.

Right here I have watched. Whenever it come close to the thought of liquor they will slide on by because it is a dangerous subject. It is firewater and you are going to have trouble.

Not that it makes me mad, but it hurts me. My soul feels bad to think of the teen-agers that are going into womanhood and have already been ruined. Very few are going to be virtuous mothers, and naturally they are going to be very poor wives, and the future has a blank for us if we cannot somehow curb the effect of liquor on our Indian girls.

We had some of the teen-aged girls in my home as delinquents this last year and I know the effect of alcohol on them. They would do anything to get a drink after they have had a few shots.

There was a 15-year-old girl that we had in our home who would do anything to get a shot of liquor. We are going to have to do something to keep it from our young people. Something has to be done about it.

Something has to be done. Whether it is through religion or whether through education, there is something that has to be done.

That is all I have to say.

Mr. CHUMBRIS. Thank you very much, Reverend Hines.

Chairman LANGER. Thank you. I want to say I agree with you fully on liquor. I have been a teetotaler all my life and have watched them. I have always been glad I never touched the stuff.

Reverend HINES. Is the State going to consider doing something about it in the present, or will they have to go along with the world and accept it as a common proposition that we will be lost down the millstream of time?

Mr. HART. On these very cases that you have heard, have you reported those cases to the authorities?

Reverend HINES. Yes, but I did not know the thing until it was over.

Mr. HART. To whom did you report it?

Reverend HINES. I reported one to Mr. Murphy.

Mr. HART. Was anything done about that?

Reverend HINES. That was after two babies had already been born.

Mr. HART. What was done?

Reverend HINES. As far as I know, there wasn't anything done, to my knowledge.

Mr. HART. Was anyone arrested?

Reverend HINES. I didn't even want to give him the names. That may be my fault, but a year and a half have elapsed. Before Murphy came here the situation occurred.

Mr. HART. Have these various things you have testified to, have you reported the information that you had to the proper authorities?

Reverend HINES. The ones that I have told you of, babies being born, I reported it.

Mr. HART. And has anything been done upon your report?

Reverend HINES. Well——

Mr. CHUMBRIS. I think he stated that he never gave the names of the parents.

Thank you very much, Reverend Hines.

Chairman LANGER. Mr. Mills, do you have any questions?

Mr. MILLS. I wanted to advise him that it is, at the present, against the State law for anyone to furnish liquor to a minor. It is against the Federal law for any Indian to take liquor on Indian land.

In other words, they can take it on the fee-patent land, but they are not permitted under Federal law and it is a violation if they take it on tribal land or allotment land, and I certainly would like to have you advise our office at any time you know of a Federal violation.

I would most seriously recommend that you advise the State's attorney and Officer Murphy upon any knowledge that you get of those other violations.

Reverend HINES. For your information, a year ago I called Bismarck, the attorney general, and they said they would send an FBI man down. Maybe I am telling things that won't do me any good. They said they would send an FBI man to Fort Yates during rodeo a year ago.

To my knowledge, he never showed up.

This year there were a number of FBI officers here. I understand they questioned our girls that were delinquent girls and to my knowledge there has been very little done about the liquor industry since then and the State is at fault then, because they know what is going on and they have shut their eyes.

Mr. CHUMBRIS. Will Sheriff Louis Snider please come to the witness stand?

There is one question submitted to the subcommittee:

Are all Indians entitled to loans to buy cattle, or is it for the Indian Bureau pets only?

This particular question was raised previously and was answered by Congressman Berry, and the question will be submitted further to our staff for further explanation and will be submitted in the report that you will receive.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SNIDER. I do.

TESTIMONY OF LOUIS SNIDER, SHERIFF, SIOUX COUNTY, N. DAK.

Mr. CHUMBRIS. Will you please state your full name?

Mr. SNIDER. Sheriff of Sioux County. Louis Snider.

Mr. CHUMBRIS. How long have you been sheriff?

Mr. SNIDER. Two months less than 8 years.

Mr. CHUMBRIS. You have been sheriff in this county all of that time; is that correct?

Mr. SNIDER. That is correct.

Mr. CHUMBRIS. Has that been continuous service?

Mr. SNIDER. Well, one term I was appointed as deputy sheriff, and acted as sheriff.

Mr. CHUMBRIS. Now, Sheriff, we would like you to explain to the subcommittee the problem that you have in dealing with law and order off of the reservation.

Mr. SNIDER. Well, I take care of all problems whenever I have a report whether I have jurisdiction or not, whether it is on the reservation or not.

If I am called and if they are not on my jurisdiction, I turn them over to the proper authority.

Mr. CHUMBRIS. How is the cooperation between your office and the tribal police officers?

Mr. SNIDER. Right tight. I think it is 100 percent.

Mr. CHUMBRIS. And when you say right tight, how far back does that go?

Mr. SNIDER. Two years, I think.

Mr. CHUMBRIS. And what was it before that 2-year period?

Mr. SNIDER. Oh, it was over jurisdiction, but that was hammered out pretty well. So I don't think that we would ever have any falling out over jurisdiction.

Mr. CHUMBRIS. Do you have close cooperation with the Federal police officers, the Federal Bureau of Investigation?

Mr. SNIDER. Yes; I think we have.

Mr. CHUMBRIS. And when a matter comes to your attention that is not within your jurisdiction, do you immediately notify the reservation police officers or the Federal Bureau of Investigation?

Mr. SNIDER. Yes, sir.

Mr. CHUMBRIS. And that cooperation you say has been going on for the last 2 years?

Mr. SNIDER. That is right.

Mr. CHUMBRIS. What seems to be the most prevalent violation of law within your jurisdiction?

Mr. SNIDER. Well, it runs pretty evenly. Drinking, driving—

Mr. CHUMBRIS. Is that drunken driving?

Mr. SNIDER. That is right; traffic violations.

Mr. CHUMBRIS. And how about things like assault or matters of rape and things like that? Are they prevalent here outside of the reservation?

Mr. SNIDER. Rape, we don't have many reports on rape, but other problems like assault, drunkenness, fights—

Mr. CHUMBRIS. Now, how does that compare between the Indian population and the non-Indian population?

Mr. SNIDER. It is about a 50-50 deal.

Mr. CHUMBRIS. About a 50-50 deal?

Chairman LANGER. Mr. Mills, do you have any questions?

Mr. MILLS. Yes, sir.

You say you have been in there for 8 years, Mr. Snider?

Mr. SNIDER. That is right.

Mr. MILLS. How many arrests have been made, if you know, for driving while intoxicated or having an open bottle of liquor in the car?

Mr. SNIDER. Offhand, I couldn't give you an answer to that because I don't know.

Mr. MILLS. How many are under arrest right now for it?

Mr. SNIDER. Right now? We don't have any right now.

Mr. MILLS. Have you heard it reported that the people are afraid to get on a highway on Saturday night around here?

Mr. SNIDER. Yes; I did.

Mr. MILLS. Have you driven to Cannon Ball recently from here?

Mr. SNIDER. I had a call and it was partly at Cannon Ball that the drunks were supposed to be on Highway 21. I went over the road and I didn't see anybody, and I went on to Solen, which I had a call from, and I didn't see any drunks.

Mr. MILLS. Do you know of any place in the State where you would find as many beer cans and wine bottles and whisky bottles as you will between here and Breien on the side of the road?

Mr. SNIDER. That might be. I don't doubt that.

Mr. MILLS. Do you know of anybody that has been arrested for driving while drunk within the last 6 months?

Mr. SNIDER. Offhand, I couldn't answer that.

Mr. MILLS. Do you know anybody within the last 6 weeks?

Mr. SNIDER. Offhand, I couldn't answer that.

Mr. MILLS. Do you know whether there was anybody in the last week?

Mr. SNIDER. I think we have.

Mr. MILLS. Someone was arrested in the last week?

Mr. SNIDER. Last week, yes, I am pretty sure.

Mr. MILLS. How many have gone to jail for driving while drunk out of this county in your term?

Mr. SNIDER. None of them, I don't think.

Mr. MILLS. How many have gone to jail for having an open bottle of liquor in their car in this county in your term?

Mr. SNIDER. Offhand, I can't answer that.

Mr. MILLS. You have heard the report that the people are actually afraid to drive on a highway on Saturday night, but nobody has gone to jail for having an open bottle of liquor in the car, or driving while drunk?

Mr. SNIDER. I didn't know anybody had an open bottle and I didn't see anyone driving while drunk. I went out and looked for them.

Mr. MILLS. Did you ever have any calls from any of these towns around here?

Mr. SNIDER. No, sir; I didn't.

Chairman LANGER. Do you have questions, Mr. Wicks.

Mr. WICKS. No, sir; that is all.

Mr. HART. May I ask a question, Senator?

Chairman LANGER. Yes.

Mr. HART. Mr. Snider, the statistics that have been produced into evidence indicate that there were 9 illegitimate children born in Sioux County during the year ending last January, 9 illegitimate children.

Do you know of any of those nine where the parentage has been established?

Mr. SNIDER. No, I don't. I don't have much to do with them cases.

Mr. HART. Do you know of any prosecutions for statutory rape in Sioux County involving Indians during the last year?

Mr. SNIDER. I don't think so.

Mr. HART. That is all.

Mr. CHUMBRIS. Are there any further questions?

Thank you very much, Sheriff.

May we now have the State's attorney, Robert Feidler.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FEIDLER. I do, sir.

TESTIMONY OF ROBERT FEIDLER, STATES ATTORNEY, SIOUX COUNTY, N. DAK.

Mr. CHUMBRIS. Would you state your full name for the record?

Mr. FEIDLER. Robert Feidler.

Mr. CHUMBRIS. Where do you reside?

Mr. FEIDLER. Fort Yates, N. Dak.?

Mr. CHUMBRIS. What is your official capacity here?

Mr. FEIDLER. State's attorney in Sioux County.

Mr. CHUMBRIS. And how long have you served in that capacity, sir?

Mr. FEIDLER. For nearly 6 years.

Mr. CHUMBRIS. And have you had any previous experience with this county in any official capacity?

Mr. FEIDLER. No, sir; I have not.

Mr. CHUMBRIS. First, I would like to state that we of the subcommittee appreciate your being here and acting as legal adviser for the State and for the county on questions of law that might arise.

At this time we would like to ask you a few questions in your capacity as State's attorney that might help us in our particular problem.

Would you like to comment on any conflict of jurisdiction between State, Federal, and Indian tribal law?

Mr. FEIDLER. Yes, sir. There have been some conflicts which have been such that neither the State nor the Federal Government are to blame and as far as I can see I would like to recommend that the State be given at least dual jurisdiction on the 10 major crimes.

I am not in agreement with the Federal Government being able to talk over crimes which fall within the 10 major crime category which occur in the county where it occurs on deeded land.

I believe that we should have at least dual jurisdiction and, of course, there are other conflicts.

For example, this matter of paternity was brought up. Well, now, neither group knows what the other is doing.

In other words, we may take a man in to try and establish paternity, and maybe we are unable to. Then maybe the tribal court will try and take him in without knowing that we had him in and you can't try him in double jeopardy and vice versa, so we may take in somebody that has been brought into the tribal court.

I believe sincerely that both groups here have been trying to do their utmost to establish paternity cases. There have been a great number of paternity cases established in the county.

I might say that there are only three cases up to the present time that have not been prosecuted that could be. There are some cases where the father is dead, where you can't bring him in. It is impossible.

There are some cases which extend beyond the 2-year limitation and in those cases which existed before I took office nearly 6 years ago, of course, there was nothing which I could do on them because of the statute of limitations.

Our greatest problem has been in the past this problem of jurisdiction. I have been very fortunate that Mr. Mills has clarified a great deal of the jurisdictional problems, but that has been through long and hard effort.

I mean, we have had to get together. Sometimes I would go to Bismarck and call Mr. Mills at 2 o'clock in the morning, and ask him to come down to the Patterson Hotel and we would discuss the problem until daylight and finally we would try and work out an answer. We tried the very best that we knew how.

Mr. CHUMBRIS. I gather from your testimony that many of these jurisdictional problems could be better solved by close cooperation between the tribal law enforcement order and the Federal law-enforcement order, and the State law-enforcement order. Is that correct?

Mr. FEIDLER. Yes, particularly on appropriations of money.

It is shameful the small dribble of money that the Federal Government has provided here for the needs out here in law enforcement.

Mr. MURPHY is just given a drop in the bucket for what he should have. If he only had part of the funds which he needs to work with, I think that a great deal more could be done, and a great deal more could be done in the county if we had sufficient funds.

Mr. CHUMBRIS. Mr. Feidler, I would like to point out that this is the place to air out any lack of cooperation between law-enforcement officials of the respective groups that I have mentioned, and if there is any lack of cooperation we would like to have it brought out at this particular hearing.

If there is closer cooperation today as testified by the sheriff than there was several years ago, I would like for you to also emphasize that and show what the closer cooperation is and the result of that closer cooperation.

Mr. FEIDLER. Yes, I would be very happy to do that.

The closer cooperation has come about due to a mutual understanding between the Federal authorities, and myself, as I mentioned, I have called upon Mr. Mills many, many times. I have disturbed him and he has been very gracious about it and has helped me work out those problems and on many occasions, why, Mr. Murphy has helped us work out these problems.

There has never been any argument. We have had some misunderstandings at times where the Federal law said one thing and the State law said another, and we each stood by our own authority, which I am sure anyone else would do in the same circumstance, but I was very happy when Dillon S. Myer, who was representing the Department of the Interior, came out here 2 years ago and stated that of the 39 reservations he visited that Standing Rock Reservation had the best law enforcement.

That really pleased us immensely.

Mr. CHUMBRIS. There is one other question.

There was a statement made previously that there is certain discrimination against the Indian people in the courts. Would you like to answer that statement?

Mr. FEIDLER. Yes, I would. I believe also that that is a misunderstanding. Judge Smith, who was one of our justices, and Judge Thompson are very, very fairminded men and I am sure that, if there are cases, there are very, very few.

I would like this committee to take any Indian person who has been arrested and brought before either one of these men and ask whether they were given a fair break and I am willing to gamble that 95 percent or more, and I think 100 percent, would say they were given an absolutely square break.

I don't feel there has been any prejudice at all.

Mr. CHUMBRIS. You fully realize that if there is discrimination that goes to the very core of the problem of changing law and order from the tribe to State authority?

Mr. FEIDLER. Yes; I understand that. Of course, I am very opposed to discrimination of any kind. I certainly feel that everybody is equal and we have tried to be impartial and fair in every way that I know of. We will continue to be so.

Mr. CHUMBRIS. Do you have any recommendations, then, that would eliminate from the minds of the Indian people that there is a discrimination in the State court?

Mr. FEIDLER. Yes; I would like to have anyone who wishes to make a tabulation of the different people. They can get the names of the people who have been tried from our two justices. They can contact these people and I am sure they will say that they have been treated right.

In many instances where dual jurisdiction has existed, we have given the man the opportunity of going before the tribal court where it was possible, and in other cases we used to have Judge Iron Road, in Cannon Ball, who was a fullblooded Sioux, and in many cases we would take the men before him. He was the severest. He gave his own nephew two of the heaviest sentences ever given in the county because he didn't want anyone to think he favored the Indian.

Mr. CHUMBRIS. Are there any other questions?

Mr. MILLS. I asked Mr. Snider about the dangers from drunken driving on the highways in the county, especially on Saturday night.

Is it true that the sheriff is charged with the responsibility of seeing that laws are enforced where it is an Indian driving or a non-Indian driving on the highway?

Mr. FEIDLER. The sheriff is responsible and I think he has done an excellent job. Last year we were 1 of the 4 counties where there was no highway deaths.

Mr. Hill, up in Bismarck, complimented us on the safe conditions down in Sioux County.

Chairman LANGER. I am kind of puzzled. The United States attorney here says that you can't drive on a Saturday night because there are dangerous highways and you say it is absolutely safe.

Mr. FEIDLER. Yes; I say that it is absolutely safe.

Chairman LANGER. Nobody has been killed?

Mr. FEIDLER. Yes.

Chairman LANGER. Was that because nobody drove on Saturday night?

Mr. FEIDLER. No, that is not it, Senator. We have had accidents here, but then, they have them also in other counties, but I am certain that we are far below the average.

Chairman LANGER. How do you figure that the sheriff is the chief law-enforcement officer? I thought you had that job.

Mr. FEIDLER. I am sorry; I thought that Mr. Mills asked me if he had the responsibility.

Chairman LANGER. You have the responsibility, have you not?

Mr. FEIDLER. Yes, we share it, Senator.

Chairman LANGER. All he does is that you draw up the papers and hand him a warrant?

Mr. FEIDLER. Yes, sir; that is right.

Chairman LANGER. You say to the sheriff, "Go out and serve this warrant. Here is a bunch of summons. You bring in witnesses."

In other words, anyone in the county who has a complaint goes to Hon. Robert Feidler.

When I was State's attorney they said, "Bill, I want this guy arrested."

You say, "What is your evidence?"

You maybe investigate and if you decide a crime has been committed and there is reason to believe that the man did it, you issue a warrant. So you, in the last analysis, are the one who is definitely responsible for law enforcement here; is not that true?

Mr. FEIDLER. That is true, Senator.

Chairman LANGER. You cannot blame it on the sheriff.

Mr. FEIDLER. No, I wouldn't attempt to do that.

Chairman LANGER. How does the tribal council fit into the picture? Do you mean to say that they can take that law enforcement away from you?

Mr. FEIDLER. No.

Chairman LANGER. A man gets drunk in Fort Yates. Whose job is it to prosecute him? Is it your job, or Mr. Mills' job, or is it the tribal council's job?

Mr. FEIDLER. If it was on deeded land we have assumed the responsibility, but if it happened on trust patent land, then the Federal Government, the tribal court has taken over. That is about the only way we could divide it.

Chairman LANGER. When the tribal court takes over, Mr. Mills is not notified; is that right?

Mr. FEIDLER. No; Mr. Mills isn't notified on tribal cases; only on Federal cases, Senator.

Chairman LANGER. How do you distinguish between tribal and Federal cases?

Mr. FEIDLER. Well, usually the tribal court handles cases which would be similar to the State courts, misdemeanors, and only capital cases such as felonies are turned over to the Federal Government, to Mr. Mills, for prosecution.

When we get in real trouble we call on him.

Chairman LANGER. You are not in this, as I understand it. As I understand it is the tribal council?

Mr. FEIDLER. The tribal court.

Chairman LANGER. Do they send for Mr. Mills?

Mr. FEIDLER. They often do. That would be Mr. Murphy. He works with the tribal court. He will often send for Mr. Harvey.

Mr. Mills has instructed us to contact Mr. Harvey and he comes out and makes his investigation.

Chairman LANGER. For the FBI?

Mr. FEIDLER. For the FBI. He reports back to Mr. Mills or Mr. Maxwell, whoever is handling it, and they make their decision.

Chairman LANGER. Does he report to the Attorney General of the United States, and does Mr. Vogel in Fargo, or Mr. Maxwell in Washington, or do you get the order direct?

Mr. MILLS. We make the decision ourselves.

Chairman LANGER. You make it yourself and you recommend prosecution?

Mr. MILLS. If it is a felony we will recommend presenting it to the grand jury and the grand jury will make the decision as to whether the man should stand trial.

Chairman LANGER. Mr. Brownell, the Attorney General, has something to say about this; does he not?

Mr. MILLS. If he were in conflict with any of our decisions it would come back through channels. He is notified what is transpiring.

Chairman LANGER. In other words, when you present a matter to the grand jury the Attorney General of the United States is notified about that?

Mr. MILLS. Yes, sir.

Chairman LANGER. Who handles Indian matters in the Attorney General's office; do you know?

Mr. MILLS. No, sir.

Chairman LANGER. Where do you compile the records. Where can a fellow find the records as to how many were arrested? Would he have to consult you and the Federal Government and also the tribal council?

Mr. FEIDLER. Yes, sir.

Chairman LANGER. And add them together?

Mr. FEIDLER. And add them together. That is the only way an accurate account could be made.

Chairman LANGER. As I understand it, the sentence of the tribal council, according to Mr. Mills, is much less than in State court?

Mr. FEIDLER. Yes, sir; that is true.

Chairman LANGER. So if a fellow thought he might be arrested for being drunk he would promptly rush to the tribal council and say, "Arrest me," because he would figure he would get 5 days instead of 90 days?

Mr. FEIDLER. In some instances the tribal court is more severe than the State.

Chairman LANGER. What is an instance of that?

Mr. FEIDLER. If Judge Zahn was here, and I believe he is here, he has them fresh in his memory, but there are many cases that have come up.

Mr. MILLS. I know of only one, and that is conveying a venereal disease, on which there is no State legislation.

Mr. CHUMBRIS. We have an exhibit here, exhibit No. 4, that has been introduced into evidence, which shows violation for the following offenses: Nonsupport, adultery, fornication, unlawful cohabitation, kidnaping, conveying venereal disease, incest, sodomy, attempted murder, receiving stolen goods, and forgery, and in only one instance is the tribal sentence greater.

Chairman LANGER. What is that one?

Mr. CHUMBRIS. Conveying venereal disease, a 3-month tribal sentence, and under the State it says: "Conditional probation," and under Federal it has nothing at all.

Assault to commit rape is none for the tribal, 5 for the State, and 20 for the Federal.

Attempted rape is nothing on the maximum tribal sentence. Under the State maximum is life, and 20 years under the Federal sentence.

Chairman LANGER. What is your custom? Do you have them arrested in Federal court to give them the maximum?

Mr. FEIDLER. It depends, Senator. Usually we work it that the first one who arrests them takes them into court.

Chairman LANGER. Can Mr. Murphy tell us as much about this as you can?

Mr. FEIDLER. Mr. Murphy can tell you more about the tribal court than I can. Judge Zahn could tell you a great deal about the Federal court.

I am not familiar with their function.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MURPHY. I do, sir.

**TESTIMONY OF PHILIP S. MURPHY, CRIMINAL INVESTIGATOR,
BUREAU OF INDIAN AFFAIRS, FORT YATES, N. DAK.**

Mr. CHUMBRIS. Will you please state your full name?

Mr. MURPHY. Philip S. Murphy.

Mr. CHUMBRIS. Where do you reside?

Mr. MURPHY. At Fort Yates, N. Dak.

Mr. CHUMBRIS. Do you have an official capacity here at Fort Yates?

Mr. MURPHY. Yes, sir; I have.

Mr. CHUMBRIS. And would you please state that?

Mr. MURPHY. Criminal investigator with the Bureau of Indian Affairs.

Mr. CHUMBRIS. And how long have you been in that capacity?

Mr. MURPHY. For the past 6 years.

Mr. CHUMBRIS. Have you had any previous experience as a law-enforcement officer?

Mr. MURPHY. Yes, sir; I have.

Mr. CHUMBRIS. And would you please state where, when, and for how long a period of time?

Mr. MURPHY. In Montana I was chief of police from 1932 until 1936.

From 1936 until 1943 I was deputy sheriff of Blaine County in Montana.

From 1943 until 1947 I went into the Navy and I was master at arms at the brig in Seattle, and I was in charge of shore patrol in the city of Portland, among numerous other military jobs that I had.

In 1947 I came back and got my job as deputy sheriff in Blaine County.

In 1948 I came here to Standing Rock agency as deputy special officer in the Indian Service.

Mr. CHUMBRIS. And to whom are you responsible?

Mr. MURPHY. At the present time I work out of the area office and am responsible to them and also to the superintendent of Standing Rock and Cheyenne River Reservation.

Mr. CHUMBRIS. And would you please relate to the subcommittee in your own way the problems and, first, give your duties under your office.

Mr. MURPHY. The duties under my office are to enforce the laws, to protect life and property, to be present at all gatherings where there are concentration of crowds, to keep law and order; to work with the other departments throughout the agencies, to cooperate with the city, county, and State authorities, with the United States attorneys, to attend all Federal court actions or other courts when called upon as a witness, to prepare cases, case reports on the 10 major crimes, or on liquor violations which at the present time don't occur; very seldom occurs.

Mr. CHUMBRIS. What territory do you cover?

Mr. MURPHY. Standing Rock and Cheyenne.

Mr. CHUMBRIS. Could you state what territory that takes in?

Mr. MURPHY. The Standing Rock is something over 2 million.

Mr. CHUMBRIS. Is it a large area?

Mr. MURPHY. It is a large area.

Chairman LANGER. Give the miles, length and breadth.

Mr. MURPHY. The breadth north and south from the Cannonball River to the south border of the reservation is approximately 80 miles.

Mr. CHUMBRIS. Do you cover the land in both North and South Dakota?

Mr. MURPHY. Yes, sir.

Mr. CHUMBRIS. Then, if the record shows that there is approximately 1,064,122 acres of restricted lands, would that be pretty accurate?

Mr. MURPHY. That is approximately; yes.

Mr. CHUMBRIS. And do you have anyone else working with you as an associate police officer?

Mr. MURPHY. I have a tribal police officer working with me, and also a night watchman.

Mr. CHUMBRIS. Now, are these under the Indian Service?

Mr. MURPHY. They are under the Indian Service, under the tribal council, I should say. One under the Indian Service.

Mr. CHUMBRIS. One hired by the tribal council; is that correct?

Mr. MURPHY. One hired by the tribal council; yes, sir.

Mr. CHUMBRIS. Are their duties and responsibilities similar to yours?

Mr. MURPHY. Yes.

Mr. CHUMBRIS. You served as chief of police, I understand, and also as a deputy sheriff, and now you are serving in your particular capacity.

Do you find any difference in your duties and responsibilities from those two types of law-enforcement work that you have been doing?

Mr. MURPHY. Yes; there is.

Mr. CHUMBRIS. Would you please explain to the subcommittee wherein the difference lies?

Mr. MURPHY. The big difference lies in the fact that it is at times quite hard to get a hold of the United States attorney wherein if you are working in a city or a county you can contact your county attorney for advice almost immediately.

By phone, if I can call the United States attorney invariably he will tell me to report the case to the FBI or to write it up and he will consider it for filing. That is one of the great difficulties that I have found.

Mr. CHUMBRIS. And how does that affect law and order on the reservation?

Mr. MURPHY. It slows it down.

Mr. CHUMBRIS. And by slowing it down, could you give us some specific instances?

Mr. MURPHY. Yes. At one time a cattleman came to me and his son owned tribal cattle and he reported that he had a cow lost or stolen in the past few days. I asked him if he had any lead or any suspicions of any kind on the case and he couldn't think of any for a while.

After going into it with him a little bit, why, he mentioned a fellow's name that he suspected. He said this man had been selling

some beef in McLaughlin and in Mobridge, and I directly went to McLaughlin and within 20 minutes after I reached there I found the hide of this cow at a store in McLaughlin.

I went on to Mobridge and I found 3 quarters of beef hanging in a locker at one place and parts of 4 quarters of another beef hanging in another place.

This all came up through the fact that I was able to get right on that case and didn't have to call nobody or contact anyone.

I did know my legal rights at that time. I didn't need any legal information on that particular case. If I had to call the FBI or some other official, I would have never have got that. I could never have got it. It would have been impossible.

Mr. CHUMBRIS. You have heard the issue of State law and order versus tribal law and order or Federal law and order, and in your experiences as both a Federal officer and a State and city officer, have you any recommendations that you could make as to which would be the most effective manner of law enforcement?

Mr. MURPHY. I would like to state, sir, that eventually I believe the State law and order would work out the best, but I will also state that at the present time the way conditions are now and the way some of the laws are, and the way the courts handle that right now, we need more law and order; that is, Government, tribal, and State, especially within these counties where there is just a sheriff.

Mr. CHUMBRIS. Now, in other words, you feel that a transitory period would require a great deal of thought before you have the transition from the situation today into a State law and order; is that correct?

Mr. MURPHY. That is correct.

Mr. CHUMBRIS. And the method would be to have more effective law and order in all three categories, State, tribal, and Federal?

Mr. MURPHY. That is correct, sir.

Mr. CHUMBRIS. What recommendations do you make to have more effective law and order in those three categories, Mr. Murphy?

Mr. MURPHY. Taking this county as an example, the sheriff alone cannot enforce the curfew laws and other laws during the night hours.

For that reason I think in these towns like Fort Yates we should have either a deputy sheriff or an officer appointed by the county to work with our officers, especially during the night hours to enforce these curfew laws which are the cause of a lot of our so-called delinquency, the closing of the bars at the legal hours, the drunks laying out, especially in the winter when they perhaps may become frozen to death, which has happened.

Last winter alone the tribal police and myself picked up 12 on the town side of Fort Yates that were laid completely out right in the wintertime; 12 different cases.

We certainly need more officials that would take in city and county here in this locality.

Mr. CHUMBRIS. Do you have sufficient funds with which to place those who have been found guilty of some offense on the reservation in jail and keep them there, or is that a problem with you on this reservation?

Mr. MURPHY. I just didn't understand that. Would you repeat that, please?

Mr. CHUMBRIS. Some reservations have a problem of not having sufficient funds to room and board the prisoners after they have convicted them and sent to jail, say, for 30 days. Do you have that problem here on this reservation?

Mr. MURPHY. We have that problem; yes.

Mr. CHUMBRIS. Is lack of funds the cause of that problem?

Mr. MURPHY. Pretty much so; yes.

Mr. CHUMBRIS. In other words, rather than send a man to jail for 30 days, he only serves 2 days because there are not sufficient funds to keep that particular prisoner in jail. Is that one of your problems?

Mr. MURPHY. We have never operated that way. We have never turned a man out of jail because we didn't have funds to feed him; no, sir.

Mr. CHUMBRIS. Then in this particular area you must from somewhere find the funds to keep that particular person in jail for the full length of the time that he has been sentenced; is that correct?

Mr. MURPHY. That is correct, sir. Our code has a stipulation in almost every section whereby at any time they serve one-half of their sentence they can be paroled and that is carried through to quite an extent.

Other times we have had to go to the tribal council for further funds, or to help reimburse us for funds in which to buy subsistence for prisoners.

Mr. CHUMBRIS. Now, how is the cooperation between your law-enforcement agency and the FBI and the sheriff's office?

Mr. MURPHY. We cooperate; I do very well with the FBI. The cooperation between the FBI and myself, and the sheriff's office has not been too good.

Mr. CHUMBRIS. Could you explain what the difficulty may be?

Mr. MURPHY. I believe partly jurisdiction and partly because the sheriff possibly has too many duties that he can't take care of everything that comes to him.

In other words, the misdemeanors, and so forth.

Chairman LANGER. How many deputies has the sheriff?

Mr. FEIDLER. He has about seven deputies, Senator.

Mr. MURPHY. He has no deputies here in Fort Yates that I know of.

Mr. FEIDLER. He has no deputies?

Mr. MILLS. Does he have seven working, did you say?

Mr. FEIDLER. No, they are special deputies in various parts of the county. They are full time, but they are not paid. They receive no compensation except their mileage and their fees for being in court.

Mr. KASTLER. May I ask, Mr. Murphy, are you a deputy for this county?

Mr. MURPHY. No; I am not. I was at one time, but for the past several years I haven't been.

Mr. CHUMBRIS. You were serving simultaneously as deputy sheriff and also as the special police; is that correct?

Mr. MURPHY. Yes.

Mr. CHUMBRIS. I undertand that was the practice until several years ago.

Mr. MURPHY. Yes; that was.

Mr. CHUMBRIS. And that practice has been put to a stop?

Mr. MURPHY. Yes.

Mr. CHUMBRIS. Would you explain the reasons for that, if you have that within your knowledge?

Mr. MURPHY. Yes.

My reason for it, speaking for myself, was that I made several arrests as deputy sheriff. I made one in the town of Solen whereby an officer was beaten up. I took the man, the defendant, into the court, the JP court in Selfridge, and the judge took the case under advisement. And there was never any action taken on it.

That is one reason. Another reason was that my time was so limited that I couldn't hold the two jobs together. I couldn't do a full-time job with the Government and still act as deputy sheriff.

There would be conflicts there, although I wasn't getting any pay or any mileage or anything as deputy sheriff.

Still at times I was called to go and I couldn't go. I had too many calls all at one time. So I had to give up that deputy sheriff.

That has been the case since that—that just didn't work out.

Chairman LANGER. Could you not get your mileage and expenses from the Federal Government if you were called? It would be a violation of law. What difference would it make who called you?

Mr. MURPHY. It wouldn't make any difference, Senator, although I just couldn't handle it. The cases were coming in so fast that I couldn't keep up with them.

Chairman LANGER. There was so much law violation that you could not handle it?

Mr. MURPHY. At that time there was.

Chairman LANGER. Did you say they beat you up at Solen and nothing was done about it?

Mr. MURPHY. Not me. One of the tribal officers here.

Mr. KASTLER. Would it help you if you were a deputy sheriff from the standpoint of making it easier to solve who was entitled to take somebody a prisoner because of the land status here?

Mr. MURPHY. Yes; I believe it would. I thought that to start with. That was the reason why I first took the deputy sheriff's appointment, was just on that point.

Mr. CHUMBRIS. Do you think it helped law and order when you were able to serve in both capacities? Do you think you were a more effective law-enforcement officer during that course of time than you are now when you are only in one capacity, considering, of course, the fact that now you concentrate more on your one job and, therefore, are more effective as far as that one particular job.

Mr. MURPHY. I believe it would be more effective if it could be worked out in a satisfactory manner; yes.

Mr. CHUMBRIS. If you could serve in both capacities?

Mr. MURPHY. Yes.

Chairman LANGER. Would not the difficulty be that the sheriff might not want to appoint you? He appoints his own deputies.

Mr. MURPHY. That is right.

Chairman LANGER. Or do the county commissioners appoint them?

Mr. MURPHY. I think the sheriff does with the approval of the county commissioners.

Chairman LANGER. In other words, the sheriff might appoint you and the county commissioners not ratify it?

Mr. MURPHY. Yes, sir.

On the other hand, I may not get the backing from the sheriff.

Chairman LANGER. The sheriff, of course, is responsible on his bond for the actions of his deputies?

Mr. MURPHY. That is right.

Mr. CHUMBRIS. He might feel that the man whom he appointed, either you or somebody else, might do something for which he was responsible under his bond.

Mr. MURPHY. That is right.

Mr. CHUMBRIS. Do you have any figures as to the number of arrests and the type of arrests that you have made over the past 12 months?

Mr. MURPHY. Yes; I have.

Mr. CHUMBRIS. Do you have in it the information for an exhibit that you could leave with the subcommittee? If not, you could read it into the record.

Mr. MURPHY. I just have this one copy, sir. That is all I have for my record.

Mr. CHUMBRIS. Would you want to read it into the record?

Mr. MURPHY. Yes; I will read it.

Mr. CHUMBRIS. Is it a long document?

Mr. MURPHY. It is quite long; yes.

Mr. CHUMBRIS. Well, could you possibly make copies of it and have it submitted to the subcommittee as an exhibit?

Mr. MURPHY. Yes.

Chairman LANGER. Do you have a stenographer of your own?

Mr. MURPHY. No; I don't.

Chairman LANGER. Who makes the copy?

Mr. MURPHY. I have always done this myself. I suppose I would still have to do it, unless I could get someone from the office that would do it for me.

Chairman LANGER. The trouble is that our stenographer is going with us. We have to be at New Town tomorrow and that is 200 or 300 miles the other side of Bismarck.

It is not fair to Mr. Murphy to have him go to that trouble and expense. Could you take that, Miss Reporter, and copy it and give him a receipt for it, if he would be willing to do that?

Mr. CHUMBRIS. Those reports will reflect the nature of offenses and the number over the last 12 months; is that correct?

Mr. MURPHY. Yes.

Chairman LANGER. I am anxious to have the reporter give him a receipt for every paper you obtain from him.

(The information referred to was marked "Exhibit No. 10," and is as follows:)

CRIMINAL CASES COMMITTED IN SOUTH DAKOTA

Column totals.....	278	6	264	8	246	7	6	18	1	-----	-----	\$013	15	52	\$013	\$300	7	\$300
Assaults, other.....	35	-----	35	-----	33	-----	-----	2	-----	-----	-----	156	3	9	156	-----	-----	-----
Driving intoxicated.....	11	-----	11	-----	11	-----	-----	-----	-----	-----	-----	182	2	1	182	-----	-----	-----
Disorderly conduct.....	149	-----	149	-----	143	-----	-----	6	-----	-----	-----	452	6	6	452	-----	-----	-----
Escape.....	2	-----	2	-----	2	-----	-----	-----	-----	-----	-----	-----	-----	8	-----	-----	-----	-----
Family offenses.....	32	-----	32	-----	27	-----	-----	5	-----	-----	-----	40	2	4	40	-----	-----	-----
Larceny, petit.....	4	-----	4	-----	3	-----	-----	1	-----	-----	-----	60	1	1	60	-----	-----	-----
Liquor laws.....	17	-----	17	-----	15	-----	-----	2	-----	-----	-----	23	1	5	23	-----	-----	-----
Sex offenses, adultery.....	4	-----	4	-----	3	-----	-----	1	-----	-----	-----	-----	-----	6	-----	-----	-----	-----
Traffic violations (miscellaneous).....	6	-----	6	-----	5	-----	-----	1	-----	-----	-----	-----	-----	8	-----	-----	-----	-----
Resisting arrest.....	4	-----	4	-----	4	-----	-----	-----	-----	-----	-----	4	-----	4	-----	-----	-----	-----
Juvenile, petit offenses (white) on waivers.....	6	6	-----	-----	-----	-----	6	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Liquor laws.....	6	-----	-----	6	-----	6	-----	-----	-----	-----	-----	-----	-----	-----	-----	240	6	240
Family offense.....	1	-----	1	-----	-----	-----	-----	-----	1	-----	-----	-----	-----	-----	-----	-----	-----	-----
Stolen property.....	1	-----	1	-----	-----	1	-----	-----	-----	-----	-----	-----	-----	-----	-----	60	1	60

Compiled by P. S. Murphy, criminal investigator

Mr. MILLS. Mr. Feidler, do you know how many arrests your office has made in the same period?

Mr. FEIDLER. I couldn't give the same figure, but I know the justice in Selfridge has had to buy a new docket ever so often.

Mr. MILLS. Would you say 10, 20, 30, 50?

Mr. FEIDLER. What type?

Mr. MILLS. Arrests for the last 12 months.

Mr. CHUMBRIS. I was going to ask Mr. Feidler to submit to the subcommittee at a later date the statistics on the nature of the cases in his office, the number over the last 12-month period, and the same thing with the sheriff of the county, the number of arrests and the type of arrests over the same period of time, and we can get that in the form of an exhibit.

Chairman LANGER. Have you asked the sheriff?

Mr. CHUMBRIS. Is the sheriff still here?

Mr. MURPHY. I can give you the number of cases that we have had in our jail that are county cases during the past 12 months.

Mr. MILLS. How many is that?

Mr. MURPHY. Fourteen.

Mr. MILLS. How many that were not county cases?

Mr. MURPHY. That is county cases. We have had 14 in the past 12 months.

Mr. CHUMBRIS. How many that were your cases, sir?

Mr. MURPHY. How many that were ours; 593.

Mr. CHUMBRIS. Does the county have any place to put its prisoners other than that same jail?

Mr. MURPHY. No; they don't.

Mr. CHUMBRIS. Then the ratio for now is 593 to 14.

Mr. MILLS. I would like to ask this question of both of you.

Excuse me. I didn't mean to interrupt.

Mr. CHUMBRIS. Go ahead.

Mr. MILLS. You have heard Father Ryan mention about the sale of liquor to these minors. You are both on law enforcement. Right on the scene, and I think your judgment would be the best we can get on this thing.

How can it be stopped, or, at least, cut down? We have 5 rape cases in this county, 4 of which definitely involve liquor.

Mr. FEIDLER. I would say that decent recreational facilities should be provided by the Federal Government. I feel very much like Father Ryan that if they can spend billions over in Europe that they would give a few crumbs from the loaf of bread to our own people and I believe if they had adequate facilities that it would certainly reduce that a great deal.

Mr. MILLS. Has the State attorney's office been able to convict anybody of selling liquor to minors in the past 12 months.

Mr. FEIDLER. No; there has been no conviction on the sale of liquor to minors.

Mr. MILLS. You leave the inference that there was on something else. What was that?

Mr. FEIDLER. We have had no convictions for sale of liquor to minors at all.

Mr. CHUMBRIS. Have there been any arrests, or charges made?

Mr. FEIDLER. None; not for selling to minors.

Mr. HART. Your mind is wandering. You had one, and he is a psycho in the State of Indiana.

Mr. WICKS. That is in juvenile court.

May I ask Mr. Murphy a few questions?

Chairman LANGER. Yes.

Mr. WICKS. Do you remember the month of May 1954 when we set a date and time in the judge's chambers over on the agency side when we were to meet with the attorney general of North Dakota?

Mr. MURPHY. Yes, sir.

Mr. WICKS. And the State attorney of Sioux County and sheriff of Sioux County and all of you Federal officers, to try to shut off the source of liquor going to these juveniles?

Do you remember that?

Mr. MURPHY. Yes, sir.

Mr. WICKS. Who attended that meeting when we waited all afternoon?

Mr. MURPHY. No one showed up.

Mr. WICKS. Yes, they did. Mr. Murphy was there, and Judge Zahn was there.

Mr. MURPHY. The State man——

Mr. WICKS. Mr. Snider was not there. We wanted to get the source of this leak to these children because there is a terrible liquor problem.

Mr. MILLS. Mr. Feidler and Mr. Snider did or did not attend the meeting?

Mr. WICKS. They were somewhere else.

Mr. FEIDLER. I believe we had an emergency of some kind.

Mr. WICKS. The attorney general did not come either. He wanted me to set the time and day and hour and we waited——

Chairman LANGER. Who was attorney general at that time?

Mr. WICKS. A fellow by the name of Elmo Christiansen. He won't be there long so I never made another appointment. I will wait until the new one comes in January and I will try it again. That is in Grant County where Father Ryan mentioned the leak to juveniles.

The liquor comes from Grant and Mr. Feidler is innocent and Mr. Murphy doesn't have jurisdiction because it is now not a reservation.

Mr. CHUMBRIS. Mr. Murphy, if you were given all of the men and all of the money that you need, do you think that you could stop the sale of liquor to minors in this particular jurisdiction that you are in charge of?

Mr. MURPHY. That is really a problem, sir.

Mr. CHUMBRIS. What recommendations can you give to this subcommittee?

Mr. MURPHY. The recommendations that I would give this subcommittee are as follows:

A more severe sentence put on all those that contribute to the delinquency of minors, whether it be liquor or any other offense.

Now, touching on that point something was brought up here about the difference in the courts, why doesn't the tribal court have a stiffer sentence than they do; why don't they compare with the State courts?

This very thing, contributing to the delinquency of minors, we had this happen here. One fellow in the crew was a white man. Three or four others in the same group were Indians.

Every one of the Indians got 4 months in jail for contributing to the delinquency of minors. The white man I took down here to the courthouse in front of Judge Thompson and he got 30 days suspended.

He said he couldn't give him any more. It is a misdemeanor and under the State law he couldn't give him any more than 30 days. That is right.

Mr. MILLS. I think that is correct.

Mr. FEIDLER. I believe that the judge gave him the limit that he could give him.

Mr. MILLS. Didn't you try that in JP court instead of district court where you could have gotten 5 years?

Mr. FEIDLER. No, I don't believe so.

Mr. HART. May I ask you a few questions, Mr. Murphy?

Mr. MURPHY. Yes.

Mr. HART. What is the area of the reservation here at Standing Rock which is in North Dakota? Indian country, includes what area?

Mr. MURPHY. It includes the whole county.

Mr. HART. Indian country consists of the entire county of Sioux County; is that correct?

Mr. MURPHY. Yes.

Mr. HART. Next, will you please tell us what the present status of the Federal Indian liquor law is in Sioux County, Federal Indian liquor law in Sioux County? Is there a law, or isn't there?

Mr. MURPHY. Not Federal, sir.

Mr. HART. There isn't a Federal law regarding the giving or selling of liquor to Indians in Indian country at the present time?

Mr. MURPHY. I might withdraw that. I might make a little change there.

The Federal law states that if the State has a law against the selling of liquor to Indians, then the Federal law, I believe, also applies.

Mr. HART. Mr. Chairman, may I intervene and ask the United States assistant attorney what the present status of Sioux County is, presently, currently, on the Federal Indian liquor law regarding Indians?

Mr. MAXWELL. How do you mean?

Mr. HART. Is there a Federal Indian liquor law against either giving or selling liquor to Indians in Sioux County at the present time?

Mr. MAXWELL. Yes; also as to possession of liquor on an Indian reservation.

Mr. HART. There is a Federal law on that to that effect at this time?

Mr. MAXWELL. Yes.

Mr. HART. Did you hear the assistant United States attorney state that there was a Federal liquor law against the selling, giving, or possession of liquor in Indian country, that is, Sioux County?

Mr. MURPHY. Yes; I did.

Mr. HART. Is it part of your responsibility to enforce that law?

Mr. MURPHY. Yes; it is.

Mr. HART. Consequently, if the Indian people had been having liquor in this county, as implied by the other United States attorney, the beer cans on the road, it would be your responsibility to control that; is that correct?

Mr. MURPHY. Yes, sir.

Mr. HART. How many cases have you had of the possession or sale of liquor in Sioux County during the last 6 months?

Mr. MURPHY. During the last 6 months?

Mr. HART. Correct.

Mr. MURPHY. The possession of, or just what was that? Possession of, and what else?

Mr. HART. The possession or sale of liquor to Indians during the last 6 months in Sioux County, N. Dak.?

Mr. MURPHY. We haven't had any.

Mr. HART. If there had been violations of this law, you, as the law-enforcement officer, would have known it; is that correct?

Mr. MURPHY. Yes; that is correct, although the tribal council have repealed the liquor law here and they voted liquor in here.

Mr. HART. Will you tell us, then, what the present status of the Federal Indian liquor law is in Sioux County?

Mr. MURPHY. Sir, I would rather tell you just what my orders have been in regard to Federal liquor.

Mr. HART. Would you tell us those orders?

Mr. MURPHY. That unless it is an aggravated case that I was not to enter into the sale of liquor to Indians in this country.

Mr. HART. You were not to enter into the enforcement of the Federal liquor law in Sioux County; is that right?

Mr. MURPHY. Unless it became aggravated.

Mr. HART. Yes.

Mr. CHUMBRIS. What do you consider an aggravated case?

Mr. MURPHY. That is a question. That sort of puts me up against it.

Mr. CHUMBRIS. Do you consider a case where liquor is sold to a person who in turn feeds it to a minor and then rapes her while she is practically paralyzed is aggravated or not an aggravated case?

Mr. MURPHY. That would be absolutely aggravated.

Mr. CHUMBRIS. When are you going to determine whether it is aggravated or not aggravated? After the act has been consummated? It is like locking the barn after the horse is gone, isn't it?

Mr. MURPHY. That is what it amounts to.

Mr. HART. Does the law, Mr. Murphy, say aggravated cases or does the law say liquor cases?

Mr. MURPHY. My orders have been aggravated cases.

Mr. HART. I am asking as to the law.

Mr. MURPHY. The law says liquor cases.

Mr. HART. You say your orders have been aggravated?

Mr. MURPHY. If it became aggravated that it should be the State's duty to enforce the law now that the Government has repealed the law.

Mr. HART. Would you please tell the committee the name of the person that gave you that order?

Mr. MURPHY. I wouldn't be sure at this time.

Mr. HART. If you are following it, following the orders, you must know what superior gave you that order or you should not be following them.

Mr. MURPHY. It seems to me that came out as a blanket order and I don't know. It's been understood between the different special officers that that is the way to work, that we should work. Just who gave those orders, who it came from, I am not sure.

Mr. HART. So there is a variance between what the law is and what your orders are to enforce; is that correct?

Mr. MURPHY. To that extent, yes.

Mr. HART. One more question.

Do you also have the responsibility for enforcement or seeing that the tribal ordinances are enforced in the tribal court?

Mr. MURPHY. Yes, I have.

Mr. HART. Where there are tribal ordinances or ordinances set out by the Secretary of the Interior known as the court of Indian offices, it is part of your duty to enforce those ordinances?

Mr. MURPHY. That is correct.

Mr. HART. Among those ordinances do you have an ordinance which provides for the establishment of paternity among Indians?

Mr. MURPHY. Yes, we have.

Mr. HART. The record indicates here that there were nine illegitimate Indian children in Sioux County during last year. Would you tell us how many of those 9 cases you, as the law-enforcement officer, have taken into court to establish paternity on those 9 individual Indian children?

Mr. MURPHY. These records don't show that. I am not just too sure. I would say probably we must have had anyway 4 or 5.

Mr. HART. Four or five cases.

Mr. MURPHY. In the past year.

Mr. HART. Where you have established parentage in Indian court?

Mr. MURPHY. Yes.

Mr. HART. Of those 4 or 5 cases how many of the parents are now supporting those children?

Mr. MURPHY. I wouldn't be sure.

Mr. HART. Do you know if any of the fathers that have been established by the court of Indian offices are now supporting their children? Do you or do you not know?

Mr. MURPHY. I do not know.

Mr. MILLS. Do you know whether or not there are two definitions of Indian country, one definition of Indian country relating to the 10 major crimes, and another definition of Indian country relating to liquor laws?

In other words, if you don't know, that is O. K., but the fact is that the books will indicate and the code specifies that the definition of Indian country as it relates to liquor law does not include fee-patent land.

As it relates to the rest of the land in the reservation it is prohibited.

In other words, in a fee patent or highway like that there is no Federal violation.

Now, as to other land involved, like trust land, reservation land, then it is a violation of Federal law.

Do I make myself clear, sir?

Mr. MURPHY. I believe I understand you.

Mr. MILLS. What I was wondering is that you said that your orders had come down, but you were not sure from whom. Can you specify as to where it came from on this matter of only enforcing aggravated cases?

Mr. MURPHY. No, I am not sure.

Mr. CHUMBRIS. In other words, did it come from your superintendent, your area director, or did it come directly from Washington?

Mr. MURPHY. I am not sure at this time.

Chairman LANGER. Were the orders in writing?

Mr. MURPHY. No; it wasn't in writing.

Chairman LANGER. No orders in writing?

Mr. KASTLER. May I ask a few questions?

Chairman LANGER. Mr. Kastler.

Mr. KASTLER. Mr. Murphy, didn't you say that the tribe had voted to have liquor?

Mr. MURPHY. Yes.

Mr. KASTLER. And weren't they entitled to vote that by a ruling that the superintendent was instructed by Washington to pass on to the Indian tribe?

Mr. MURPHY. Yes.

Mr. KASTLER. And as you say, they voted to have liquor, meaning they voted to have possession and use of liquor; is that not correct?

Mr. MURPHY. That is right. That is why we scratched off the liquor violations on our tribal code.

Mr. KASTLER. And thereafter they were to behave themselves in the use and possession of liquor, that is, not giving to the minors, not carrying on sales or purchases of liquor on the Indian reservation except as was authorized under State law; is that correct?

Mr. MURPHY. Yes; that is correct.

Mr. HART. Isn't it correct, Mr. Murphy, that the only time the tribe was instructed to vote on that is when it was not in conflict with State law?

Mr. KASTLER. I might answer that. It is my understanding that that is true.

Mr. MURPHY. I don't believe that even entered into it.

Mr. GIFF. I would like to make a request that that be brought out thoroughly so that we understand. We have been under the impression that President Eisenhower signed a bill repealing the Indian liquor law and that it was optional as to whether the tribe wanted it on their reservation or not, and we voted it in.

Mr. KASTLER. That is correct, and on those reservations where it was not voted in, it is illegal to have possession or use of liquor by an Indian only on Indian land.

He can go into the city and buy liquor as any white man can.

Mr. MURPHY. So I understand.

Mr. CHUMBRIS. Do you know whether an opinion has been requested of either the attorney for the Indian Bureau or the Attorney General of the United States as to a ruling on this particular question that we are discussing now?

Mr. MURPHY. I don't believe it has.

Mr. CHUMBRIS. As far as you know, you have been instructed that in cases which are not aggravated you are not to consider them whatsoever as a law-enforcement officer?

Mr. MURPHY. That is where it is off the reservation; I mean on a townsite or within a city limits, on deeded land, yes.

Chairman LANGER. Mr. Murphy, you testified that where there was a gathering of Indians you attended?

Mr. MURPHY. Yes.

Chairman LANGER. Supposing that the same night you had a gathering at Solen and one at Cannon Ball and one at Selfridge. Do you appoint other people to go there, or how do you handle that?

Mr. MURPHY. We try to put police at all of those different places; that is, pick out men the best we can and get them in there.

The committees sponsoring these different events throughout the district will at times appoint one to keep order also.

Chairman LANGER. Are those men paid?

Mr. MURPHY. They are paid; yes.

Chairman LANGER. By whom?

Mr. MURPHY. Sometimes, occasionally by the committee who puts them on, or else by the tribal council.

Chairman LANGER. In some of those cases you appoint Indians and in other cases non-Indians?

Mr. MURPHY. Always Indians.

Chairman LANGER. Always Indians?

Mr. MURPHY. Yes.

Mr. WICKS. Mr. Murphy, did you hear Mr. Gipp when he testified before the committee? He said the tribal council of Standing Rock hired 7 police, 1 for each district; is that correct?

Mr. MURPHY. That is correct.

Mr. WICKS. They then are your assistants?

Mr. MURPHY. Yes.

Mr. WICKS. So there would be 8 of you that are police officers besides the jailer and besides the night watchman. There are 10 law enforcement officers on Standing Rock at this time?

Mr. MURPHY. The jailer is a matron. We don't have an officer at the jail.

Mr. WICKS. You did have one the day you had the meeting?

Mr. MURPHY. Just a woman cooking there.

Mr. WICKS. Then you have nine.

Mr. MURPHY. We have nine.

Mr. MILLS. These are not the seven deputies you have referred to, Mr. Feidler?

Mr. FEIDLER. These are all individuals.

Mr. MILLS. I think we could get the names of these people for the committee. We don't have to do it right now.

Mr. CHUMBRIS. Would you furnish the names of your seven deputies, and also, Mr. Murphy, you furnish the names of the deputies working with you.

Mr. FEIDLER. Yes.

Mr. MURPHY. Yes.

Mr. CHUMBRIS. Can you furnish them or forward those to the subcommittee?

Chairman LANGER. That information will be included in the record when it is received.

(The information referred to was marked "Exhibit No. 11," and reads as follows:)

EXHIBIT No. 11

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
STANDING ROCK INDIAN AGENCY,
Fort Yates, N. Dak., December 15, 1954.

The Hon. WILLIAM LANGER,

United States Senate, Judiciary Committee,

Washington, D. C.

MY DEAR SENATOR LANGER: In acknowledgement of your letter dated December 9, 1954, the following is a list of the names and addresses of my deputy officers on the Standing Rock Indian Reservation.

1. Reginald Bird Horse, acting chief of police, Fort Yates, N. Dak.
2. Jerome Vermillion, tribal police, Fort Yates, N. Dak.
3. Carl Many Horses, tribal police, Cannon Ball, N. Dak.
4. James Carry Moccasin, tribal police, Shields, N. Dak.
5. David Blackcloud, tribal police, Kenel, S. Dak.
6. Raymond Cadotte, tribal police, Wapala, S. Dak.
7. Edwin Brown, tribal police, Little Eagle, S. Dak.
8. John Garter, tribal police, Bullhead, S. Dak.

For your information, I may add that the above officers are all paid a very small salary from tribal funds. Therefore, their tour of duty can only be scheduled on a part-time basis.

9. Charles F. Silk, night guard, Fort Yates, N. Dak.

Officer Silk is a Government employee and paid from educational funds. Requirements of his worksheet confine him to the protection of all Government property within the Agency limits during the hours, 10 p. m. to 6 a. m.; Sunday nights excluded.

10. Mrs. Bessie Goodiron, jail matron and cook, Fort Yates, N. Dak.

For her services, she receives \$60 per month from Sioux County funds.

Further information that may be of assistance to you and the subcommittee, as well as possible improvement in the functions of our Law and Order Departments, on the two Indian reservations, within my exclusive jurisdiction, Standing Rock and Cheyenne River, is as follows:

I have about the same number of Indian officers on the Cheyenne River Reservation, all of whom are paid from tribal funds which are far below a living standard.

In stating these facts, I merely wish to acquaint you with a portion of the circumstances with which I am confronted in the enforcement of all laws pertaining to Indians on both reservations.

Associate the salary problem with the fact that there are approximately 10,000 Indians, who are responsible only in part for violations committed, and the vastness of territory to be covered by 1 officer and you have a fair picture of conditions as they prevail under the present arrangement.

Trusting this information will be of assistance to you and the subcommittee in your most important assignment.

Very truly yours,

PHILIP S. MURPHY,

Criminal Investigator, Bureau of Indian Affairs, Fort Yates, N. Dak.

Chairman LANGER. Mr. Murphy, were you up to hear the testimony before Governor Burnsdale?

Mr. MURPHY. I did not attend that.

Chairman LANGER. It was that on New Year's night there were 50 or 60 people in jail here.

Mr. MURPHY. We have had up to 60 people in jail here.

Chairman LANGER. Did you fill that jail New Year's night?

Mr. MURPHY. I believe it was pretty well filled New Year's night. In fact, it was way over capacity.

Chairman LANGER. Who filled it, the sheriff, or yourself?

Mr. MURPHY. No; ours.

Chairman LANGER. I noticed you said this is a total of five hundred some arrests. If you had 70 on the very first day of the year, that is 70. part of those 500 that you enumerated?

Mr. MURPHY. That would be a part of them, yes; over the entire year.

Chairman LANGER. What did they do, let them out in the morning, or were they fined or what happened to them?

Mr. MURPHY. Some of those were in for safekeeping, and the majority were brought up before the judge.

Chairman LANGER. You mean by the judge, a tribal council?

Mr. MURPHY. The tribal council judge; yes.

Chairman LANGER. The tribal council judge?

Mr. MURPHY. Yes; the judge of the Indian court offices.

Chairman LANGER. Were any brought up before the county justices of the peace?

Mr. MURPHY. I am not just sure, Senator, whether there were any at that time, or not, brought up before the justice of the peace.

Chairman LANGER. I am interested in the degree of punishment. Could you find out for me whether the tribal council gave the same amount of punishment as the justice of the peace if any were brought up out of those that you had that night?

Mr. MURPHY. Our records only show that the court of Indian offices, the judge up there sentenced them to a certain number of days. There is a \$5 court cost attached, but there are no other costs. There is no sheriff's fee. There is no State's attorney's fee, and there is no mileage there.

As a rule the sentence is given in due regard to his former character. Everything is taken into consideration, his family, whether or not he is a stock raiser, his former conduct, and so forth, and he is given a sentence if he pleads guilty.

Then he gets so many days and he can buy out at the rate of \$2 a day. He is not given a fine and a jail sentence, and, if you pay the fine, we will just suspend the jail sentence. That is not the case with our tribal courts. They don't work that way. The justice of the peace court does. They invariably sentence a man to so many days and fine him so much. They will suspend that jail sentence almost every time if the man pays the fine and the costs, sheriff's costs, and otherwise.

Chairman LANGER. Where do the fine and costs go to?

Mr. MURPHY. The county, you mean?

Chairman LANGER. Do they go to the State school fund or what becomes of them?

Mr. FEIDLER. That goes to the State school fund.

Chairman LANGER. Can you tell me offhand how much the State school fund got last year?

Mr. FEIDLER. Mr. Thompson here. Did you hear the question, Mr. Thompson?

Mr. THOMPSON. Approximately \$240.

Chairman LANGER. Thank you.

Mr. CHUMBRIS. Thank you very much.

Chairman LANGER. Mr. Feidler, I wanted to ask you about this hospital you had down here. That was a fine hospital when I was attorney general down there. Has the hospital been abandoned or is it still in existence?

Mr. FEIDLER. It is still in existence.

Chairman LANGER. Can non-Indians go to this hospital or just Indians?

Mr. FEIDLER. To the best of my knowledge, only Indians can go unless there is an emergency and when there has been an emergency they have taken care of it until the person could be transported to another hospital.

Mr. CHUMBRIS. Now, is the Indian charged any money for being kept there?

Mr. FEIDLER. Not to my knowledge.

Mr. CHUMBRIS. What about nurses' fees?

Mr. FEIDLER. There have been none as far as I know.

Mr. CHUMBERIS. There is a doctor stationed here at the present time?

Mr. FEIDLER. There are two doctors stationed here at the present time.

Chairman LANGER. What are their names?

Mr. FEIDLER. One's name is Dr. Harrie and the other's name is Dr. Carlisle.

Chairman LANGER. Can you tell me roughly about how many patients they have over there at any one time?

Mr. FEIDLER. How many patients? That varies, Senator. I couldn't give you an exact account of that.

Chairman LANGER. You do not know whether the hospital is adequate for its purpose or whether it is not?

Mr. FEIDLER. I wouldn't have any way of judging, Senator. I don't know enough about medicine to be able to say whether it is or is not.

Chairman LANGER. What do you call an emergency case for a non-Indian?

Mr. FEIDLER. It would be, for example, if we had a patient out here and you had a man with a broken leg or if you had a man that had one of his arteries cut or a vein, why, if it is a case such as that, they have been handling, but they prefer to handle only Indian cases.

Chairman LANGER. That is a very, very important matter arising from the closing. We will go into that when we get up to Rolla. They have closed the Fort Totten Hospital and there haven't been adequate preparations to take care of these Indians in other places.

We have had three different delegations to see Senator Young and me, down there visiting us in Washington trying to get Fort Totten reopened and they wouldn't reopen it. They say to these Indians at Fort Totten, "You can go to a non-Indian hospital at Devils Lake," or some other place where the Indians are not treated as well as some of the non-Indians, and this committee is interested in finding out just exactly how to solve that situation up there.

Can you give us any help on it?

Mr. FEIDLER. Yes, sir. I talked over this matter with Mr. Myers. He is on the public health here in North Dakota. He works under Dr. Smith up in Mandan, of the Custer health district.

Now, he tells me that the Eisenhower administration, the first thing they did was slash the health program and he—well, in fact, the job that he had been working on was done away with. It was one of the most important series that we had in this community because during that time while the money was forthcoming from the Federal Government we had many, many cases brought in here, tuberculosis cases, venereal cases, and at that time when we had this Federal money everyone that was contagious was being given treatment. Everybody was being given treatment and the program had been worked out very well, but with eradicating that position we have had to try and replace that as best we can in the county.

Mr. Wicks did a great thing for Sioux County when he helped establish the Custer health district. It meant that we had to get the forces of the Federal Government and the doctor for the State, and also the authorities over in Corson County, and that wasn't done in 1 or 2 days. It took months to iron the flaws out of that. It was accomplished.

With this appropriation of the Federal Government, why, we were able to accomplish a great deal. I think that is one of the terrible

things that has happened during Eisenhower's administration, the cutting out of this health program.

Chairman LANGER. Could I get Mr. Wicks' comment on that?

Mr. WICKS. Well, it was working good here, Senator Langer, because it didn't happen in South Dakota we had to get the consent of Corson County. That is what took so long to get the deal through as far as Standing Rock was concerned, because the State of North Dakota has been trying to promote all over the State with the cooperation of the county commissioners, was established and then along about this year 1954, we also had coincidentally, Mr. Chairman, the transfer of the health services of the Indian Bureau to the Department of Health, Education, and Welfare, which is still in the transition period as far as implementation.

So that, apparently, and I do not know this for sure, apparently the impact on this consolidated deal was affected by the unilateral move in the transfer from the Bureau of Indian Affairs to the Department of Health, Education, and Welfare.

It still leaves the situation down here that is not attended to. It is my understanding that the Department of Health, Education, and Welfare is going to get ahead as fast as it can through the United States Public Health Service to get this thing in order, but there is a transition in the meantime.

That is your understanding?

Mr. KASTLER. I assume so. I want to state for the record that I was familiar with legislation transferring the function of health to the Department of Health, Education, and Welfare. I am connected in the Department of the Interior with the Solicitor's Office in the Indian Division, and I was not cognizant of all these ramifications in the Bureau of Indian Affairs. I am not directly a member, or an officer, in the Bureau of Indian Affairs.

Mr. WICKS. Carlisle, this was what they called the mobile unit.

Mr. ONSRUD. That is right.

Mr. WICKS. It was a mobile unit where they went into the different counties in the different States if the county commissioners and the State participated. They call it the mobile unit and I understand the last year's session of Congress eliminated that.

Isn't a man by the name of Dodge the head of the Federal Budget? I understand he struck that out. That is the phase we are talking about. It has nothing to do with the transfer. It is a separate health unit entirely.

Chairman LANGER. Those mobile units particularly help rural areas. In Alabama it did magnificent work.

Do I understand that those are wiped out, too?

Mr. O&RUD. That is right.

Mr. HART. I don't believe they were wiped out. I believe the grant-in-aid cut the ratio down so much that many of the States had to drop units. That is right, Mr. Onsrud?

Mr. ONSRUD. I don't know for sure.

Mr. WICKS. It would be \$1.10 to \$1.20 through State and Federal.

Mr. CHUMBRIS. Could you check that point through your office and have it ready for our hearings in Bismarck?

Mr. FEIDLER. I have spoken to Mr. Myers and told him if he couldn't be down here today to be sure to get before Senator Langer when we reached Fort Totten so that he could explain this health situation,

because I consider that very, very important, and the service that was abolished should be explained to the Senator because it is something that should not have been abolished. It was a crime.

Chairman LANGER. Well, now, summarizing this thing right here in Sioux County in connection with juvenile delinquency, we find here this morning at Solen that they cut out the rural mail delivery north of Solen. If a farmer wants his mail he has to come in or the children had to come in.

Instead of the children getting educational books they suddenly find themselves without rural mail delivery.

We come over here to Breien which is not so very far from here and there I find the post office is closed entirely and some 15 miles added onto the rural route.

I tried to find out whether the mail carrier got any money and I couldn't find out, but was told that they thought he didn't get any more money.

We come over here and find that this mobile unit was cut out. When we come to the farm prices we find the farmer getting 16 or 18 cents a bushel less for his grain. It proves we have an economical administration.

I want to know if anyone here can tell me of any more so-called excess and how they affect juvenile delinquency.

What about your welfare work, Mr. Onsrud? Has there been any change in that in the last 18 or 20 months?

Mr. ONSRUD. No; that is up to the Congress. We have the same formula for matching public assistance. The only kick we have about the Congress is that on the appropriations for child-welfare services nationwide the Department of Health, Education, and Welfare itself through the Children's Bureau recommended about a million dollars less for the country this fiscal year than in the last fiscal year.

It was nine-hundred-thousand-dollars-something, not quite a million dollars.

The reason given by the Children's Bureau was that they were going to have more funds for crippled children.

We are going to have to ask the State legislature in regard to crippled children's services for more money because of increased medical costs, the market cost of medical and hospitalization, and because of more congenital heart cases. Surgeons cost more money; advance in medical science is costing more money; and, three, we are quite sure that the Federal share for crippled children in North Dakota, which goes to Indians and whites alike, won't be coincidental in proportion to what it needs.

So that the basic difference between this year, and the year before, and the years before, is in the child-welfare area.

In public assistance we have the same matching formula. In Federal general assistance for Indians we are keeping our fingers crossed.

Chairman LANGER. Well, now, Mr. Onsrud, up there in the Capital you are up there with the FHA. Is that not right, in the same building in the Capital?

Mr. ONSRUD. Do you mean the Farm Home Administration? They are at the post office.

Chairman LANGER. Have you had any consultation with the manager of that? Since the abolishment of the RFC has the Small Loans

Division to farmers and to small-business men functioned very adequately in North Dakota?

What do you know about that?

Mr. ONSRUD. I don't know anything about that, Senator. I do know that in the past when we had bad economic conditions in North Dakota, it was the responsibility of the State welfare board to keep constant contact with the Farmers' Loan Administration because many of these farmers that are employables in times of unemployment and bad crops become close to the welfare tangent.

As you know, the last few years in North Dakota our work has been primarily with the unemployable people. We do think that it is going to be necessary to resume something that we have had in North Dakota in past years, namely, a State coordination council in which the Farmers' Loan Association, the tribal and the State employment service, and all the organizations connected with unemployables meet about twice every month to discuss affairs, but I have no recent information on any difficulties in getting loans.

Chairman LANGER. Now, I made a check just before Congress adjourned to find out how many of those small-business loans had been made in North Dakota in the last year. I was told that in order to get a loan you have to go to a bank and have what is called participation and the rate of interest is higher than it used to be. I got a list and to my surprise only 8 of those loans were made in the entire State and there was only 1 that was not made with bank participation, only 1 without bank participation.

I want to know how that is going to affect your public welfare if these loans are going to be cut out.

Mr. ONSRUD. If there is anyone who wants to engage in business and legitimately is entitled to a loan to keep this business or farm going and there isn't an available medium for them to keep themselves afloat as an enterprise the results are quite automatic.

Given enough time for what resources they have to give out, then the State welfare board has not only unemployables to worry about, but it also has employable persons and I hope that Congress sees to it that there are always credit sources available to legitimate people that need loans.

Chairman LANGER. I am glad you mentioned this credit. Is it not true that in this State there have been cases of exclusive rates where a fellow wanted to draw \$50 or \$100. Did your investigation show that the rates were excessive? Did your investigation show that 4 years ago?

Mr. ONSRUD. We were requested by people in North Dakota from labor, from business, from the clergy, in 1951, to make an investigation of what was termed a small-loan racket in North Dakota. We assured these people that the only right that the State welfare board would have to make an investigation would be on the basis that the proximate result of small-loan activity in North Dakota would cause people to seek relief.

Therefore, we instructed one of our staff members to make an investigation to see whether we had the responsibility to undergo a further investigation.

It was perforce short because it was shortly before the legislative assembly of 1951 opened. We made an investigation and we found,

according to the records—and I am speaking more or less off the hip here because I haven't reviewed those figures lately—that some of the percentages charged on sort of a compound basis on small loans were as high as 300 percent.

The reason that we did not pursue that matter any further was that we could not find any substantial evidence of proximate connection between the loan activity and welfare-rolls problem because we were in an era then of fairly good prosperity.

I don't mean to say, Senator Langer, that we wouldn't have if we had gone further. We recognized that our responsibility extended that far.

I do think it is something to be concerned about, especially with North Dakota getting more industrialized and the industrial States have more of that trouble and I do think if you had bad times for a couple of years you might have a lot of that activity and it could result in people going to welfare rolls because it would lead to high interest rates.

Chairman LANGER. Would you make that report available to this subcommittee?

Mr. ONSRUD. That is public; yes, sir.

Chairman LANGER. Could we have it Thursday?

Mr. ONSRUD. Yes.

Chairman LANGER. I might say that I was at Topeka, Kans., last week, and there with the help of the attorney general and the insurance commission we found that there were a great many loans from \$20 to \$100, \$200, and \$300, and they were charging all the way from 200 to 300 percent interest.

These were credit loans where, when the fellow went in to borrow \$50 or \$100, or \$200, they insisted that the man take out a life-insurance policy and a health and accident policy which in most cases were never delivered.

Is this the kind of thing you found in your investigation?

Mr. ONSRUD. As I say, I am kind of rusty about that. That was nearly 4 years ago. If it would be all right with you, Mr. Chairman, I will give you the report and you have that filed with the committee.

Chairman LANGER. Have you other witnesses?

Mr. CHUMBRIS. That is the last one.

Chairman LANGER. There is a man here by the name of Dan Howard.

You do solemnly swear that the testimony you are about to give before this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HOWARD. I do.

TESTIMONY OF DAN HOWARD, MORRISTOWN, S. DAK.

Chairman LANGER. Will you state your name and address, please?

Mr. HOWARD. Yes, sir.

Chairman LANGER. I understand you are from South Dakota and we want to get somebody from South Dakota on here.

Mr. HOWARD. My name is Dan Howard, and my address is Morristown, S. Dak.

Mr. CHUMBRIS. Would you please state your occupation?

Mr. HOWARD. I am a cattleman.

Mr. CHUMBRIS. Where do you reside?

Mr. HOWARD. I reside 20 miles south of Morristown.

Mr. CHUMBRIS. That is in North or South Dakota?

Mr. HOWARD. South Dakota.

Mr. CHUMBRIS. Do you have your cattle ranch in South Dakota?

Mr. HOWARD. Yes, sir.

Mr. CHUMBRIS. Would you like to state how large a cattle ranch you have?

Mr. HOWARD. Well, it is quite small. I have been in the business 3 years. I have at the present time 2,700 acres and about approximately 90 head of cattle.

Mr. CHUMBRIS. Would you please explain to the subcommittee what questions or what facts you would like to present to the subcommittee?

Mr. HOWARD. Well, generally, I think everything has been pretty well covered here, although I didn't get the exact expression of my people down there and I am really here unofficially as far as my people are concerned.

Mr. CHUMBRIS. Yes. Now, from discussing generally with your people in South Dakota, speaking unofficially as you are, could you present some testimony on the problems that confront them that perhaps would be interesting to the subcommittee to study?

Mr. HOWARD. Well, like I mentioned there is a lot of these problems that have already been brought out. All I would like to mention is one that poverty is very prominent and lack of funds seem to be one of the main issues.

Chairman LANGER. Do you have any recommendations as to what can be done to help the situation down there so there won't be quite so much poverty? Is there anything that you would like to recommend like any particular individual that could go into that area, or some type of special consideration such as loans to the cattlemen?

Are there mostly cattlemen in that area where you are?

Mr. HOWARD. Indians. The best use they can make of their national resources, which is their land right now, is cattle, but we have found out according to a survey made all over the United States that everybody can't be a cattleman. I imagine we would have to look forward to other occupations.

Our present council, I am a member of the rubber-stamp council. I am out to serve my people and do the best I can do to serve my people. I am not a politician.

We had resolutions drawn up.

Chairman LANGER. You don't mean to say that a politician does not serve his people?

Mr. HOWARD. I don't mean that in that sense. I meant to say that we draw up resolutions and bring them before the council and do the best to meet the peoples' needs.

Chairman LANGER. As a matter of fact, these resolutions you generally send from South Dakota to the 2 Senators, or the 2 Congressmen, do you not? As a matter of fact, after you draw up your resolutions in South Dakota you either send them to the 2 Congressmen or the 2 Senators, do you not?

Mr. HOWARD. I guess some of the resolutions reach there, but we act on them too, in our council.

Chairman LANGER. I want the record to show that Senator Case was invited here and wired and says:

Unfortunately, owing to previous commitments, makes impossible attending a hearing in Fort Yates today. Regards.

FRANCIS CASE, *United States Senator.*

I also sent a telegram to Senator Mundt. Mr. Berry was here, as you know.

The only one we didn't hear from was Congressman Lovre, but the rest were here and I am sure all are interested in what the provisions are.

Mr. Lovre may be out of the country. He was not notified until 10 days ago and may not have received the notice.

I know him and know he would have been here if he could.

Have you any specific complaint to make?

Mr. HOWARD. No, I don't.

Chairman LANGER. Is there anyone else here who wants to testify? We have all the time in the world.

Mr. MURPHY. Senator Langer——

Mr. WICKS. Danny, just a moment. This 2,700 acres you mentioned you lease that, don't you, Danny?

Mr. HOWARD. Yes, sir.

Mr. WICKS. They will get the impression you own it.

Mr. HOWARD. No, sir. I moved out to take advantage of our privilege.

Chairman LANGER. I call Jesse Greybear.

You do solemnly swear that the testimony you are about to give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GREYBEAR. Yes, sir.

TESTIMONY OF JESSE J. GREYBEAR, EXECUTIVE SECRETARY AND TRIBAL REPRESENTATIVE, STANDING ROCK SIOUX TRIBAL COUNCIL, FORT YATES, N. DAK.

Mr. GREYBEAR. I have only 2 or 3 items which I would like to present before the investigation.

Chairman LANGER. You take all the time you want because we have all day.

Mr. GREYBEAR. I have a 5-page resolution here that is drafted by the general council of the Standing Rock Indian Reservation. The electors have the Indians business council are comprised of 15 members. They are the electors.

They have various difficulties here that have existed ever since the Wheeler-Howard Act took effect on the reservation, that is only by name.

The Standing Rock Tribe refused to adopt the Wheeler-Howard Act, as amended by the act of June 15, 1935. It was called the Indian Reorganization Act.

Now, this act, it explained that the major laws of the charter and constitution and bylaws, that if the tribe adopted those they would have had absolute power to operate any revolving loan or any other provisions of the act.

But the tribe refused to adopt this act.

Therefore, they thought they could get away from it by voting out the charter and constitution and bylaws.

So they did and then thereafter the Indian Bureau here went into the old business council constitution bylaw that was drafted by the old subchiefs back in 1905, the superintendent here in the Indian business council at that time. Back in 1936 they went into the constitution bylaw of the business council of 1914 and they established the same procedures as they have in the Wheeler-Howard Act.

Now, they had been operating the Indian Reorganization Act under that 1914 constitution bylaw that never in those years the business council, or the superintendent here, never operated anything like Indian Reorganization Act.

But this was sort of an encroaching act that the Indian business council had functioned to this date.

Therefore, the tribe had been forced to adopt this function under the phony constitution bylaw and it is that way today.

In all their so-called comments and other accounts of the activities that they have functioned it reads in there the unorganized Indian reorganization of 1934 and 1935.

So I wrote to the Commissioner of Indian Affairs last spring and asked him if he would reconsider to go back into the old laws and revise that constitution law today and he said that, well, the Indians themselves in the business council had established this reorganization act constitution bylaw and put into it the 1914 constitution law at that time.

So it's the Indians themselves. If the Indians wanted to, he said, they can discontinue voting on the Indian tribal business council.

So thereby we put out a petition among the Indians in North and South Dakota on the reservation here that the Indians had been advocating among themselves and that it was the general attitude that the tribe would get along better without the Indian business council comprised of 15 members; that they could exercise everything the way they wanted to in order to do a better job of spending their money that they could get from the Bismarck Federal Loan; that they call Farm Home Administration. Through there the Indians can get loans without holding the whole tribe for cosigners or charge millions of dollars to the tribe, which has been done in the last 22 years.

All this time the Indians couldn't get per capita payment. They held up all the income and tribal funds so those Indians never handle per capita payment or used their tribal funds.

That is the reason why most of the Indians here on the reservations of North and South Dakota are very low on food and having to repair a house or anything that they want to improve.

Therefore, now the Indians circulated this petition to abolish the business council committee now and the tribe is asking a full member investigation to aid the Indians by notifying the superintendent of the reservation that the tribe will discontinue electing new members at this time.

I thank you. I guess that is all I have time for.

Mr. CHUMBRIS. Is this the petition you wish to present?

Mr. GREYBEAR. Yes.

(The petition was submitted earlier as exhibit No. 7.)

Chairman LANGER. The North Dakota Tax Department has a representative here. Will he come forward.

Is Mr. Jakes here?

He has been here all day.

Mr. HART. I believe he left, Senator.

Chairman LANGER. Will you contact him when you get to Bismarck and tell him that we called him? Tell him we want to get some testimony.

Mr. Wicks, will you resume the stand?

TESTIMONY OF JOSEPH WICKS—Resumed

Chairman LANGER. Mr. Wicks, this subcommittee is interested in a remark that you made at the conference at Bismarck. You said at that time, I believe, there were 873 families in Sioux County that pay taxes; is that right?

Mr. WICKS. Senator, the figure from 817 has dwindled away to 612 now.

Chairman LANGER. Taxpaying people?

Mr. WICKS. That is right.

Chairman LANGER. Now, when I got to Washington I took this matter up with Mr. Kastler here who very kindly helped me with it and has been most cooperative.

I want you to tell this subcommittee what happens where, say, 100 years ago a man got an allotment of 150 acres and he and his wife had 5 children and those children had children again, so maybe there were 25 grandchildren, and in turn those grandchildren had children so there would be great grandchildren.

I want you to tell this subcommittee if there is any difficulty in getting title to a piece of land where that situation exists?

Mr. WICKS. No. My answer to the committee would be "No." Senator Langer. If the land is held in a trust status when the General Land Office of Washington, D. C., releases that piece of land there will be a patent fee issued to the heirs.

I have seen that type of patent. It came from the General Land Office within the last 3 years.

In fact, the Red Tomahawk family had a patent in fee to a piece of land where there were many, many acres and the patent in fee that came just said to heirs of this deceased Indian.

Chairman LANGER. Now, you get a patent issued to the heirs and an oil company comes along and they say that this piece of land is worth \$150 or \$200 or \$300 an acre.

I want you to describe to this subcommittee just how they are going to get title with the result that none of these 100 or 125 heirs are robbed.

Mr. WICKS. Let me understand. Do you mean the patent in fee should be issued, or does the land remain in the present trust status?

Chairman LANGER. No; a patent has been issued to the heirs of John Jones. They will record that at the registrar of deeds office in the county in which they live and in the State, in the name of all the heirs. Before the oil companies can get a legitimate lease that the courts will sustain they will have to have the signature of all the heirs.

Now, what I want to know is: Is it not your opinion that the sooner the various titles are cleared up the better because if another 25 years goes by there will be just that many more heirs.

Mr. WICKS. There is no question about that, Senator, and I think if the Indian Bureau has power enough with the Congress of the United States, which I think presently that they have, that you Senators and Congressmen in the Congress of the United States should appropriate some money if you are going to continue the Bureau and let the Bureau come in here on a competitive basis.

If the heirs want to put this land up for sale, that is their privilege in the way of life and let the Indian Bureau through the tribe bid for the land on a competitive basis.

Chairman LANGER. Mr. Wicks, do you remember some 25 years ago when I was practicing law and I had 2 or 3 pieces of land down here that we tried title to before Mr. Angel?

Mr. WICKS. That is right.

Chairman LANGER. Assuming you were a lawyer practicing law in Mandan and an oil company hires you and says "Now, Mr. Wicks, we want to get a clear-cut title to 160 acres of land to which the Government issued a patent to the heirs of John Jones."

Will you briefly tell this subcommittee how you would go about trying to locate 125 heirs?

Mr. WICKS. I would have to locate them to get good title, get a warranty deed from each one for his or her equity in this piece of land.

Chairman LANGER. Is it not true that some of these heirs may be in Alaska, and some may have been killed in Korea, and some may be in Florida?

Mr. WICKS. That is right.

Chairman LANGER. Are they not going to go to one of these heirs and say, "Well, we will give you \$5. You will never get this quarter section," and they will go to another one, give \$10, and pick up quit-claim deeds with the result that the real heirs will get practically nothing for that land?

Mr. WICKS. That is unscrupulous tactics. I don't know how unscrupulous an oil company would be. We have a case in Sioux County right now that involves just the thing you are mentioning, and an oil company is involved in it and it is in the courts now. It will be tried before Judge Mark Amundesen.

While the thing was in litigation 2 of the heirs died, and they left 12 heirs. Out of the 12, 3 have died. It has been going on for the past 4 years.

Chairman LANGER. Is not the situation going to be, if it keeps on the way it is going, and if it has not already arrived, at that stage, where it is going to be almost impossible to give all the heirs the money they are entitled to?

Mr. WICKS. Certainly, Senator.

Chairman LANGER. Well, now, if you were a lawyer in Mandan, and were hired to clear up the title to a quarter section that had 125 heirs, I want you to tell me, basing your opinion upon the experience you have had here spending all your life practically in Sioux County, how would you go about locating these heirs?

Mr. WICKS. I would have to start out and locate them and get a warranty deed for their equity.

Chairman LANGER. How would you start to locate them?

Mr. WICKS. You would have to beat the brush and highways and byways and find them.

We had oil men in here from Kentucky and Louisiana here hunting Indians that were heirs in Montana, and Idaho, for the past 3 years. They run them down.

Chairman LANGER. What this subcommittee is interested in is supposing they round up, out of 125, 80 heirs. What protection have those who have not signed up, or who were not contacted? What protection have they?

Mr. WICKS. An attorney for an oil company at Galveston, Tex., in January of this year, told me that a good honest oil company won't accept the title if there was a percentage that you used there because they wouldn't have any title. The 20 could come in and attach the drilling rig or whatever development they had on the land.

Chairman LANGER. Then is this going to be the result, that you are going to find with your two pieces of land. On one the title is good, and on the next, as you stated just now, they have not located some heirs. Are they not going to put down those wells as near the section line as they possibly can to drain this well?

Mr. WICKS. That is right, Senator Langer.

Chairman LANGER. What can this committee do to stop that?

Mr. WICKS. That is a \$164 question.

Contact the heirs and see if the heirs want to sell. If they don't want to sell Congress will have to continue the trust status and it will go on and on and on until it gets into thousands and thousands or minor fractions.

Chairman LANGER. What can the Department of the Interior do?

Mr. WICKS. They are out as far as I am concerned, because they showed their hand when they passed the Howard-Wheeler Act merging the resources of all the people.

Chairman LANGER. Supposing Mr. Kastler is not trying to rob anybody at all. What can he recommend to the Department of the Interior to protect these Indian people?

Mr. WICKS. Well, Senator, I testified here this forenoon. There is only one way to protect an American citizen. That is give him his rights. If he wants to sell his land, why, doesn't he have the right to sell it?

Chairman LANGER. I am going back to the case where 40 heirs are not located. What can the Department of the Interior do to keep that quarter section from being drained?

Mr. WICKS. They would have to come to the State of North Dakota then and change the spacing laws. As the law is today it is 40 acres. They drill every 40 acres.

Naturally they would take the quarter next to it and drill the corners to drain the reserve.

Mr. MILLS. Couldn't you have an action in partition and deposit the money in court?

Mr. WICKS. Well, Williams County tried that and the landowners wouldn't go for it.

Chairman LANGER. In the action in partition you would have to serve notice on the heirs.

Mr. MILLS. In that way if you couldn't find them you could make the publication notice.

Chairman LANGER. You do not know who they are.

Mr. WICKS. The records of the agency would show.

Mr. MILLS. You would have the names, sir.

Mr. KASTLER. There are such records that show by name the heirs owners of every piece of land.

Mr. WICKS. We are talking strictly trust land now, Senator. This case I am referring to happens to be Indian boys and girls from Standing Rock who got their patent in fee, recorded it, and it came into the State courts.

In the meantime the heirs start dying and came this oil boom and on this half section of land they have to go to Washington, they have to go to California.

They have to probate the estate of the dead people first before they can come before a judge to clear title.

That is really complicated. Where you have the records of the Federal inheritance examiner, that is simple there.

Chairman LANGER. I would like to have the opinion of the first assistant attorney on that, Mr. Maxwell. He has been living up in that oil country.

Would you give us your opinion? You have been up in the oil country with those Indians around Rolla.

Mr. MAXWELL. I think Mr. Kastler has it right. The Indian Bureau has the names of all the heirs and they go through the examiner.

As to how it is going to be solved, I do not know. My father has been land clearing up in Belcourt for some 18 years. He is aware of the problem and is afraid of the problem because he doesn't know the solution, and I, his son, do not know the solution.

Chairman LANGER. Your father does not know the solution?

Mr. MAXWELL. He does not.

Chairman LANGER. Is there any other witness who wants to testify here?

I am sorry Mr. Jakes has gone because we wanted him here.

Mr. CHUMBRIS. We can use him later. He is going to be with us every day.

Chairman LANGER. I want to thank you people of Fort Yates for the kindness and the courtesy to Senator Kefauver and myself. I want to thank the various witnesses for their frankness in testifying so fully and completely.

I am asking Mr. Wicks, are you going to be with us tomorrow?

Mr. WICKS. Just today, Senator. I will try to make it Thursday.

Chairman LANGER. Mr. Kastler will be with us all through the trip and, Mr. Hart, will you be with us every day?

Mr. HART. Yes.

Chairman LANGER. And Mr. Mills?

Mr. MILLS. Yes.

Mr. CHUMBRIS. Mr. Gipp would like to say a word.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PARKS. I do.

TESTIMONY OF MONTELL C. PARKS, SOCIAL WORKER, BUREAU OF
INDIAN AFFAIRS, FORT YATES, N. DAK.

Mr. CHUMBRIS. Would you please state your full name?

Mr. PARKS. Montell C. Parks.

Mr. CHUMBRIS. And where do you reside?

Mr. PARKS. Fort Yates, N. Dak.

Mr. CHUMBRIS. What is your occupation?

Mr. PARKS. Social worker.

Mr. CHUMBRIS. And with whom are you employed?

Mr. PARKS. Bureau of Indian Affairs.

Mr. CHUMBRIS. Mr. Parks, would you please state to the subcommittee some of the impressions that you have learned and the experiences that you have learned of in your work as a social worker at Fort Yates?

Mr. PARKS. Well, I hardly know just what experiences or opinions you want.

Mr. CHUMBRIS. Well, what type of work are you doing as a social worker?

Mr. PARKS. General social work.

Mr. CHUMBRIS. Yes, I understand, but what field of investigation, what particular field of investigation are you specializing in?

Mr. PARKS. All welfare problems relating to the persons living on the reservation.

Mr. CHUMBRIS. And does that take you to all sections of the reservation?

Mr. PARKS. Yes, it does.

Mr. CHUMBRIS. Does that cover all Sioux County?

Mr. PARKS. Yes, sir.

Mr. CHUMBRIS. Does it go into South Dakota also?

Mr. PARKS. Corson County.

Mr. CHUMBRIS. Corson County, S. Dak.?

Mr. PARKS. Yes.

Mr. CHUMBRIS. What type of matter have you investigated that deals with juvenile delinquency in recent times here, say the last 12 months? What are the specific problems that you have investigated?

Mr. PARKS. Almost all of them in regard to children.

Mr. CHUMBRIS. And have you worked in any other area outside of the Standing Rock Reservation?

Mr. PARKS. Yes.

Mr. CHUMBRIS. Where was that?

Mr. PARKS. Juvenile court at Seattle.

Mr. CHUMBRIS. Did that deal with Indian problems, or was that with the city of Seattle?

Mr. PARKS. Just the general public.

Mr. CHUMBRIS. Would you like to make a comparison with the conditions that existed in Seattle and the conditions that have existed on the reservation as you find them?

Mr. PARKS. Well, generally speaking I would say the children on the reservation do not have the opportunities for a normal growth and development that the children in the cities have.

Mr. CHUMBRIS. Now, what are some of the factors that you find here that are contributing factors to the juvenile problem?

Mr. PARKS. Breakdowns in the home.

Mr. CHUMBRIS. Breakdown in the home. Does that go to broken homes as well as to parental responsibility?

Mr. PARKS. Yes.

Mr. CHUMBRIS. How do you find the income level of the average family here on the reservation?

Mr. PARKS. Considerably lower.

Mr. CHUMBRIS. Considerably lower?

Mr. PARKS. To the general population.

Mr. CHUMBRIS. Of this particular area; is that correct?

Mr. PARKS. Yes; I would say of this particular area and the country in general.

Mr. CHUMBRIS. And at what level would you place the income of the average family on the reservation to any level in Seattle, if you can make a comparison?

Mr. PARKS. Well, I would say the average, or shall I say, yes, the average income would be lower, considerably lower than the average income in Seattle.

Mr. CHUMBRIS. Let's put it this way: Have you found any families in Seattle, not just 1 or 2, but in general, that had an income as low as the income of the families here on the reservation?

Mr. PARKS. Oh, yes; there are some.

Mr. CHUMBRIS. Is that very prevalent in Seattle?

Mr. PARKS. No.

Mr. CHUMBRIS. Is it just a rare occasion?

Mr. PARKS. Yes; more or less.

Mr. CHUMBRIS. How do you find the housing here on the reservation?

Mr. PARKS. Very poor.

Mr. CHUMBRIS. Is it usual to find a 1-room house that would be utilized by a family of 5 to 10?

Mr. PARKS. That is general.

Mr. CHUMBRIS. Would you say those one-room houses were well constructed or poorly constructed?

Mr. PARKS. Poorly constructed.

Mr. CHUMBRIS. Of what type of material—wood, or what, would it be stucco or brick?

Mr. PARKS. Log.

Mr. CHUMBRIS. Would you say that they were well protected from the inclement weather or not well protected?

Mr. PARKS. I would say that the log house, as such, is more suitable for this climate than the frame, generally speaking, and there are very few brick houses that would be more suitable.

Mr. CHUMBRIS. Are they well constructed enough to keep out the cold weather and snow and rain?

Mr. PARKS. No.

Mr. CHUMBRIS. Are there any other conditions on the reservation that are conducive to juvenile delinquency?

Mr. PARKS. Of course, housing and overcrowding perhaps is one of the most outstanding factors that would contribute to juvenile delinquency because of the fact that the parents and members of the household are crowded in one small room in many instances and the children do not have the opportunities not only of growth as children,

but are also subject to all of the faults and failings of all of those that are crowded in the same room with them.

Mr. CHUMBRIS. In your duties as a social worker, is it within your province to advise members of the family as to ways of better living?

Mr. PARKS. Yes, it is.

Mr. CHUMBRIS. And would you explain to the subcommittee just what type of advice you give to a family that needs advice?

Mr. PARKS. Generally speaking, we try to help them understand the methods or ways in which they, as parents and children, are expected to behave. "Behave" is not a good word. I should say "expected" to act around their children in setting examples, and so forth.

Unfortunately, we just don't have the time to give as much help along that line as we should, or would like to.

Mr. CHUMBRIS. Do you conduct any clinics where you talk to the parents who have problems dealing with juvenile delinquency as to how to better themselves, to have a better way of life, go to church, make sure the children attend school? Do you have clinics of that type here on the reservation?

Mr. PARKS. Unfortunately, no. We don't have.

Mr. CHUMBRIS. Do you think that that might be a matter that you could take under consideration where you would have a meeting, say, 3 or 4 times a year where you get the people together and have experts on the subject explain to the people even with the low income to utilize that income to its best advantage?

Mr. PARKS. I think that would be helpful.

Mr. CHUMBRIS. Are there any other suggestions that you would like to make to the subcommittee at this time?

Mr. PARKS. No; there are a lot of things that need to be done. Certainly the children are the ones who are suffering because of this situation.

Mr. CHUMBRIS. When you say there are a lot of things that need to be done, are you referring to things that the Congress of the United States could do, or the State of North Dakota could do, or are you referring to the things that the parents and the families themselves could do, or both?

Mr. PARKS. All of them.

Mr. CHUMBRIS. In other words, you think that it means a generated force from the Congress, from the State legislatures, from the Indian Bureau, from the tribal council, and from the families themselves; is that right?

Mr. PARKS. That is right.

Mr. CHUMBRIS. In other words, it is a sort of united effort on everyone's part, a community effort program?

Mr. PARKS. That is right.

Mr. CHUMBRIS. Is there anything further?

Mr. WICKS. Mr. Parks, tell the committee the trouble we had this summer with those little children who we just happened to bounce in you lap overnight. We had no place to put these little Indian children, such as a foster home.

Mr. PARKS. That is right.

As I said, there are many problems.

Mr. WICKS. Bring some out pertaining to children. That is why we got this committee here. We want to solve this as far as the children are concerned.

Mr. PARKS. In this past spring in May, I was referred 68 children by the boarding schools off the reservation, children who were referred to me because of social problems existing in their home that would need an investigation to determine if the children should be returned to their homes, or what plans should be made for the children.

In my investigation I found only 28 of those homes and home situations in which the children should be returned. That is just one of the problems that we have.

Mr. CHUMBRIS. Only 28 out of 68?

Mr. PARKS. Yes.

Mr. MILLS. Without naming names, would you give us examples of the nature of what was wrong in the homes?

Mr. PARKS. Of the 68 children referred, 9 were orphans; 23 one-parented, or deserted; 20 marital difficulties of parents, divorces, or in-laws refusing to accept the children; 9 where parents were delinquent, or contributing to the delinquency of the child.

Three unemployment or chronic illness or old age. Four mental illness of the parents.

Those are the situations.

Mr. MILLS. I would like to ask in regard to those nine where the parents were contributing to the delinquency of the children, what was the nature of that, again, of course, without naming names?

Mr. PARKS. Well, they had been brought into court evidently on those cases where they were contributing to the delinquency of children. They were situations in which the parents were either in court, had been in court, or were in jail.

Mr. MILLS. Specifically on what charges?

Mr. PARKS. I didn't investigate the charges. I don't know.

Mr. MILLS. What are your views on education and on recreation facilities? How would that help in your work, the increase of those facilities? What is your view on that, Mr. Parks?

Mr. PARKS. In education certainly the program should be geared to the needs of the children and certainly there should be more help given the children, speaking now as a social worker, more help given to children in the problems that they are going to face as they become grown and enter into general society as adults.

So far as recommendations are concerned, I would say that a school social worker is needed to help the children, as well as, of course, adequate recreation facilities to keep the children not only actively busy, but also learning how to make adjustment one with the other, and so forth, which helps them as they grow. Those two general things, just speaking generally.

Mr. CHUMBRIS. Have you any further questions?

Chairman LANGER. I have no questions.

I think he was a very good witness.

Mr. CHUMBRIS. Yes, he made an excellent witness. We certainly want to thank you for coming up here and giving us the advantage of your excellent advice and experience.

Senator, Mr. Gipp would like to say a word at this time.

Thank you again.

TESTIMONY OF WILLIAM GIPP—Resumed

Mr. GIPP. I would like to comment on the meaning here of a foster home. I believe I talked to Mr. Wicks about a year ago and since then that has been one of our greatest desires, was to have a place where we could put our children when the parents proved unfit or the home was broken, or there was a lack of employment, or whatever the case might be, to curb our juvenile delinquency before it actually does get out of hand.

I believe you mentioned here this afternoon about discrimination in our courts. I was not referring to our justice of the peace.

I think the discrimination, if there is such a thing, which has been reported to us, has been done prior to them being tried.

On the sale of land, I feel just like Mr. Wicks does, that the Indian who owns land should be able to sell it at any time that he wishes to, if it can be proved to the satisfaction of the committee, or someone, that he is going to use the money for a good cause.

We are all in favor of that sort of program providing that Congress would appropriate enough money so that this tribe could have a land-purchasing program.

Now, with a land-purchasing program we can eliminate the complicated heirship that we were talking about a moment ago.

If we have the money in our plan of operation that we are now operating under, we are compelled to use over 50 percent of our income from our tribal lands for the purchase of other lands which would run in the neighborhood of forty or forty-five thousand dollars a year. That is not much money when you start buying land.

If we could be given a sum of money on a long-range program where we could refund the money over a period of 20 or 30 years, we could then purchase this land.

I think I am safe in saying that if we here today could come back a hundred or a hundred and fifty years from now, you are going to find the Indians along the banks of this Missouri River unless someone has got a good method of segregation, which I understand is more or less the policy now, to do away with the Indians and get them out into society.

Society is rougher than it is here. We lead a nice quiet life here. Maybe on New Year's night it is a little difficult. The air is fresh. We live on the banks of our Missouri where our forefathers were raised, and if the tribe could purchase up this land and at least be given the preference on it, that would be all right.

Mr. MILLS. Do you advocate that they continue the reservation or eliminate the reservation?

Mr. GIPP. I advocate that we continue it. We now own several thousand acres of land which is our income.

Chairman LANGER. How much?

Mr. GIPP. Several thousand acres. I can't give you the exact figure, but it runs into a lot of land.

Mr. MILLS. You think, then, that the Indians should be kept separate or that they should be metamorphosed into society like everyone else?

Mr. GIPP. Yes; I think that the time has not come yet. Just merely us going to school and learning our A B C's is not enough. It doesn't

do anybody any good to educate me if they don't learn me how to use it—how to get out and compete.

The white man is shrewd. We have not been taught the business end of life. Maybe we have been taught the A B C's and 2 and 2 make 4, but not the business end of life.

Mr. MILLS. Wouldn't you think that mechanics' schools and trade schools and professional schools and subsidies for education would be much more valuable than the accumulation of land, getting more land and more Bureau, more land and more Bureau?

Mr. GIPP. This wouldn't concern the Bureau at all. We operate our own land-purchasing program and have the committee that sets up the budget. We have a committee that we send out to appraise land and the only thing the Indian office does is act as a disbursing officer, and I don't think it is too far away from when the time will come when we will have our own disbursing officer.

Mr. MILLS. That is directed toward keeping the Indians here and so many people have testified that what they want to do is "mingle" the Indians out.

Mr. GIPP. That is their expression. That time is not here yet.

When the time comes, if we own land, if we have any assets, it is certainly not going to hurt us to own them. We can always dispose of them.

If the day comes when the Indian isn't here any more, he can still dispose of that land. I want to hurry on down here.

I know that you folks want to get out.

I would like to comment briefly on the abolishment of the tribal council. I am on the council for one reason: That is to work toward the betterment of our people. We are descendants of a proud race. We would like to see the day when we could stand on our own two feet.

I think we can if we are given the right steer. Any organization, or any body, as a tribe here, needs a head. They must have a head to function. Our Government needs a Congress and Senate. I don't think we would want to abolish them.

If the people that are submitting the petition to abolish the tribal council, if they have anything in their mind that would be fitting, that would take the place of this council, they can certainly abolish the council.

Mr. WICKS. Mr. Gipp, I am glad you came back on the stand.

For the record, you, as a member of the Standing Rock Tribal Council, are not opposed to any court, either Federal or tribal, or the State of North Dakota, in establishing parentage for an illegitimate child to give that child a name throughout its life; are you?

Mr. GIPP. Absolutely not.

Mr. WICKS. Thank you. I wanted that answer from you because you had made the remark prior that we were waiving these illegitimate children. They are not waiving them. They are here. It is our duty. It is the duty of Senator Langer here to provide for those little children, not only Indian children.

This is a national deal, as Senator Kefauver told you, and the first thing to protect that child in years to come is to establish a name and that must be done in the courts of law, establishing parentage.

Thank you.

Mr. GIPP. I would like to interrupt. Excuse me, Senator.

On behalf of the tribal council as its vice chairman, and on behalf of all of the tribe, we want to thank you, Senator Langer, and express our appreciation to Senator Kefauver, and your legal counsel here, for giving us this opportunity and showing the interest that you have.

Thank you, Senator Langer.

Chairman LANGER. The meeting is closed.

Mr. CHUMBRIS. Let the record show that we adjourned at 7:32 o'clock.

(Thereupon, at 7:32 p. m., the subcommittee was recessed, to reconvene on Tuesday, October 12, 1954, at 10 a. m., in New Town.)

JUVENILE DELINQUENCY (Indians)

TUESDAY, OCTOBER 12, 1954

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY
TO INVESTIGATE JUVENILE DELINQUENCY,
New Town, N. Dak.

The subcommittee met at 10:45 a. m., pursuant to notice, in the New Town hall, New Town, N. Dak., Senator William Langer, (Chairman of the Committee On the Judiciary), presiding.

Present: Senator Langer.

Also present: Peter N. Chumbris, assistant counsel to the subcommittee.

Also present: William V. Kastler, Officer of the Solicitor, Department of the Interior; Ralph Maxwell, assistant United States attorney; William Mills, assistant United States attorney; John B. Hart, executive director, North Dakota Indian Affairs Commission; Robert A. Feidler, State's attorney, Sioux County, N. Dak.; Paul Buehler, State's attorney, McLean County, N. Dak.; Kenneth M. Jakes, estate tax deputy, North Dakota tax commissioner's office; Leslie Ovre, North Dakota State Welfare Board; and T. O. Rohde, a member of the North Dakota

Chairman LANGER. The meeting will come to order. Mr. Chambris, will you make the opening statement, please.

Mr. CHUMBRIS. We are, indeed, happy to come to North Dakota and conduct a series of hearings in various parts of the State to learn of the facts and of the problems which confront the Indian population on and off the reservations.

What we learn here will prove valuable to the subcommittee in making proper recommendations to the Congress of the United States of not only the problems of the Indians in North Dakota but of the Indian population throughout the United States.

Our subcommittee has toured the United States on the problem of juvenile delinquency and we have held hearings in Washington, D. C.; Denver, Colo.; Boston, Mass.; Philadelphia, Pa.; New York, N. Y.; El Paso, Tex.; San Diego, Los Angeles, and San Francisco, Calif.; and we propose to hold hearings in Chicago, Ill.; Miami, Fla.; Washington, D. C.; and New York City.

These hearings deal with community problems of juvenile delinquency, special problems such as runaway children, comic books, television, radio, and movies, as mass medias and their impact on youth, pornography and indecent literature, the international boundary, and the Indian youth, as will be brought out in these hearings.

We fully realize that congressional investigations of Indian affairs have been held previously on many different topics.

We do believe, however, that this is the first time that a congressional committee has come to the various Indian reservations in a State and attempted to learn of the facts from all of the parties concerned; namely, the Indians and Indian leaders, the Indian Bureau, the Indian Affairs Commission, Federal, State, county, and city officials, the press, and the general public.

Yesterday we were in Fort Yates, N. Dak., with many interested persons testifying from 10 a. m. in the morning until 7:30 at night, to help us solve the problem.

Today we are in New Town; tomorrow we go to Rolla, and then to Bismarck for the following day.

We fully realize that the problems are many and complex and that no easy solution is the answer. However, this problem, properly analyzed and properly treated, can be corrected. To this end we earnestly dedicate our efforts in these hearings. With the full cooperation of all of the interested parties involved, we can and we will succeed.

We will now have our first witness.

Chairman LANGER. Let the record show that the Attorney General of the United States has sent a man here. He is driving and will be here. The United States attorney has two assistants that will be here. Mr. Mills, Assistant Attorney General, is here.

The members of the legislature and the county officials are here.

We have the Indian Bureau represented, and the whole idea is to take this matter up informally, to get together to figure out what is the best thing we can do to help everybody concerned.

You may proceed. Call your first witness.

Mr. CHUMBRIS. Mr. Hall.

Chairman LANGER. You do solemnly swear that the testimony you are about to give in the pending matter will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HALL. I do.

Chairman LANGER. You may proceed.

**TESTIMONY OF JAMES HALL, SR., MEMBER, BOARD OF DIRECTORS,
FORT BERTHOLD STOCKMEN'S ASSOCIATION, NEW TOWN, N. DAK.**

Mr. CHUMBRIS. Mr. Hall, will you please state for the record your full name?

Mr. HALL. My name is James Hall, Sr.

Mr. CHUMBRIS. And where do you live?

Mr. HALL. I live in the western segment on the Fort Berthold Reservation.

Mr. CHUMBRIS. What town is that closest to?

Mr. HALL. New Town.

Mr. CHUMBRIS. How long have you been a resident of this area?

Mr. HALL. All my life.

Mr. CHUMBRIS. All of your life, and what is your occupation?

Mr. HALL. I am a cattleman, a rancher.

Mr. CHUMBRIS. You are a cattleman and rancher, and how long have you been in that occupation?

Mr. HALL. Well, since about 1916.

Mr. CHUMBRIS. Would you please state how you got started in the cattle business?

Mr. HALL. Yes, sir. To start out with I was one of the so-called citizens that was given fee patent back in 1916. The fee patent was given to us. I was classed as one of the competent Indians, I guess, on the reservation, and I was issued fee patent in order to take care of my own business.

At that time is when I wanted to get started in the cattle business, but I went to the banks with my fee patent in order to borrow money to get started in the cattle business. I didn't know a thing about farming.

When I went to the banks I found out that I couldn't borrow enough money in order to get a setup where I could pay back my loan, and then I switched and went to farming.

That was a big gamble and I knew it, but I took a chance on it. That was the only thing that I could borrow enough money to get started in.

So that is the thing I took a chance on. It took me only 4 years to go plumb broke in the farming game.

Then I moved across the river in the Little Missouri country with a few cows and started milking cows. I don't know whether it is necessary to go ahead and tell this whole thing.

Mr. CHUMBRIS. I wanted to get the idea of how you got started in the cattle business.

Now, have you found any difficulties in the cattle business?

Mr. HALL. Well, no. The only difficulties I find in the cattle business on the reservation is that we are inadequately set up. That is the main thing. That is the point we want to get to.

Mr. CHUMBRIS. How are you inadequately set up?

Mr. HALL. Well, I did start out in 1930 with cattle. I started out milking cows as I said. I had a few head of cows and in 1930 when a per capita payment was made we invested our money into cattle. And we had a nice start. We had about 150 head of cattle and were doing fine, and when the drought struck in 1934 and there wasn't a bit of grass that year, we sold out.

From that time on it was a hard job to get back into the cattle business. We tried to get loans through the Farm Security to get back in.

The only loans we could make through the Farm Security was loans for farming.

Chairman LANGER. In what year was that?

Mr. HALL. That was in 1930 and 1931.

No, wait a minute. In 1934 is when we sold out our cattle, and in 1935 we made loans from the Farm Security for feed for the cattle that we did hold over, that we tried to hold over.

In 1935 was when the loan setups were made through Farm Security and a lot of us Indians went to work and the only money we could borrow was seed loans.

So we went back into the farming game again in 1935.

I borrowed enough money to start out farming, or made a seed loan and there were total failures on down the line in the thirties.

So in 1938 Farm Security closed off their loans to Indians. We didn't have any more loans. We couldn't borrow any more money, and when the country came back we were unable to borrow.

In 1938 or 1939 the Government set up a repayment cattle program on the reservation and there, I don't remember whether it was in 1945

or 1946 I got some repayment cattle and that is where I got started in the repayment cattle game.

Mr. CHUMBRIS. Would you like to explain that a little bit further, the method of repayment of cattle?

Mr. HALL. The first cattle that came in were cattle bought by the Government, and they were to be paid back in kind. They were to be paid back one yearling heifer for every yearling that you received.

Then it went on a little further there. There were some tribal moneys in the United States Treasury. I think there was some \$58,000. There was \$48,000 of that tribal money taken out and it wasn't matched, but the Government added on, I think it was, \$20,000 to bring it up to around \$68,000, to buy more cattle.

Then those were the cattle that we started out with paying back in kind.

In 1946 we had a revolving credit loan of \$50,000 through the Reorganization Act.

I will have to go back further.

Mr. CHUMBRIS. That is all right. You go right ahead.

Mr. HALL. Back in 1938, 1939, or somewhere back there, is when a revolving credit loan was made through the tribes and that loan of \$50,000 I might say just stood still. They were making small loans of \$500 to \$1,000 on up until in 1946 some of us got in the council and we felt that there was money there through revolving credit that should be used to try to set up some of the people.

We were sitting around you might say doing nothing, and had a few head of cows and felt that if we could get the people set up where they could make a little money they would have a better standard of living and people would feel more like as if they were somebody.

They would have the dignity of a rancher and they could go out and face the people and go to these towns. They wouldn't have to be dragging, or walking up and down the streets with their heads down.

We felt that it would give them the dignity of a rancher.

So we went to work to try to get these loans enlarged. We did get them enlarged to where they could make loans of \$5,000 to \$7,000. All loans were under \$10,000.

It was to get the stockmen of the reservation up with the times, with the modern machinery and one thing and another.

That we did. We raised the cattle program up to a 50-cow unit.

When we did that, we realized that with this high-priced machinery we bought at that time and the payments that we were going to have to make that the 50-cow unit was too small to make a go of it.

So we, with the machinery, added in farming which we knew was a gamble. We didn't know how to farm. We weren't farmers.

We were stockmen, but that was the best setup we could get.

So, realizing the fact that these setups weren't large enough, and when this Garrison Dam proposition was in full swing, there, and the Missouri River Basin investigating staff came to the reservation, that was the first thing we asked the staff to do, was to make an investigation of the cattle program and see what it took for an economic unit for people to pay out a debt, and we have it right here.

I think this blue book that was handed to you in Bismarck is the book.

Mr. CHUMBRIS. I think you were going to present the blue book.

Mr. HALL. Chairman Young Bird is the man that should have been the first speaker here, and he is absent, and he will present that here.

Mr. CHUMBRIS. At a later time?

Mr. HALL. At a later time.

So they took their findings to the NDAC, and their findings were that it took from a 100- to 150-cow unit to pay out a debt like that and make a go of the cattle program.

There is the reasons why we weren't making a go of it. We were trying to farm in order to pay our way along with the few head of cattle we got.

So that went on for a couple or 3 or 4 years. We were just barely making a go of the proposition, until in 1952, when the decline in the prices of the cattle came, it went down to one-third the price of what we were getting in high times there.

There we were stuck with these payments on these high-priced machines and what not. Well, the delinquency in our loans started to come up. Everybody was delinquent. They couldn't make their payments. They didn't have enough capital to sell to make their payments, and it seemed to me that somewhere along the line there was no chance for refinancing, no chance for extensions or nothing.

In 1952, the spring of 1952, I myself borrowed \$1,000 for farming in order to try to make something on farming in order to meet my debts.

Well, that fall the relocation was started, and it was up to us to move. We didn't have any grass in the country where we were and had to move, anyway.

So I pulled out and started moving, got lined up to move, and started moving out from the old place down there, where we couldn't get hay there, anyway.

Anyway, that fall I didn't get no crop at all. I combined what I had, and I think I got about 50 bushels of wheat—is about all the wheat I got—while I was moving away from that place down there.

Somebody left my fences open and the cattle got into my fields. My fields were trampled, and I didn't get no oats at all, and all I got was 50 bushels of wheat.

That fall I had an additional thousand dollars to pay on my loan payment, which amounted to \$1,300 with interest, and, besides that, that same fall I had to pay back 11 head of heifers to the tribe, which meant them 11 head of heifers meant so much money.

Anyway, the payment in kind was made, and there I was stuck with over \$3,000 with interest and operating expenses, and what not, that I owed to the tribe.

I went to the tribal council and tried to get an extension, thinking that maybe next year would be a better year. There was no extensions, no refinancing, or nothing.

The only thing to do was to pay. So that year I had to dig into my foundation herd and sell cows and calves in order to bring my loan up current.

Now, those are some of the things that we are faced with.

Now, I am still hanging on with my cattle business. I am current and I have this fall's payment to make and next fall I will be through with my loan, but all them years that struggle that I put in to try to make something out of it, I will come out if this situation goes on as

it is and there is no extensions, no refinancing, or nothing, I will come out with maybe 5 or 6 head of cattle.

That will mean that I made in them 5 or 6 years 1 head, 1 cow for each year of my work.

Gentlemen, I don't believe that that kind of a setup is the right kind of a setup. The white people here, they go to these banks and get setups where they can operate and take care of their operating expenses.

Chairman LANGER. Do you feel, Mr. Hall, that there is discrimination against Indians?

Mr. HALL. I don't feel it is discrimination against Indians. I just feel that Congress hasn't set up enough money to take care of the Indians in these programs.

Now, the NDAC findings, if Congress appropriated enough money to give an Indian a setup like that, and then if he fails we can say that that Indian is a failure, but as it is the way the Indian has been set up you can't say that Indian is a failure because he was set up and didn't have the right setup to start out with.

Chairman LANGER. Mr. Hall, when I was governor, we made 6 FHA loans on your reservation to white folks and 6 at Standing Rock, and the Indians paid back their money before the so-called non-Indian did.

Do you mean to say now that you can't get these loans from the FHA?

Mr. HALL. That is something that we don't know. I tried; I went to the FHA. I saw that this proposition here was a losing game and I wasn't going to make nothing and I went to FHA. The FHA told me to go back to my own office—Elbowoods office—and check with them there and if they were willing to let FHA take over my loan and pay off the tribe, fine and dandy.

Mr. CHUMBRIS. Mr. Hall, are these experiences that you are relating incidents that were experienced by other members of the Fort Berthold Reservation; is that correct?

Mr. HALL. That is right.

Mr. CHUMBRIS. And you are here as one of their spokesmen; is that correct?

Mr. HALL. That is right.

Mr. CHUMBRIS. Now, is it the feeling of your people that the law has not taken into consideration some of the problems that you would be confronted with in helping you in getting started and continuing in the cattle business. Is that your particular problem?

Mr. HALL. Yes; that is right.

Mr. CHUMBRIS. You would like to see Congress study that particular issue and see if they can't come out with some solution to help you in your cattle business?

Mr. HALL. That is the whole deal. I have some resolutions here that I will ask Carl to read. I haven't got my glasses with me. I would like to have them for your records here.

These are resolutions by the annual meetings of the stock associations recommending to the council the things that they wanted.

The governing body of the reservation is the one that has the say of the handling of the affairs of the reservation.

Mr. CHUMBRIS. Would you state for the record how your stock association is formulated and how you operate and when you meet?

Mr. HALL. Well, all the members, all the people that have repayment cattle and a contract with the tribe are automatically members of the stock association.

Mr. CHUMBRIS. What area does that cover? Is that for the whole State, or just for your reservation, just for the reservation?

Mr. HALL. Just for the reservation.

Mr. CHUMBRIS. It doesn't have anything to do with the other reservations?

Mr. HALL. No, it is just the reservation here. We have two annual meetings, or one annual meeting and one semiannual meeting, and in these annual meetings there are recommendations made to the council of their grievances, what the grievances are they have.

Those recommendations are made to the council and the council is supposed to go on through with these recommendations and take them to higher authorities, to try to remedy them.

So these recommendations have been made. I have resolutions where the channel it goes through, the recommendations are made by the annual meeting, the board of directors take these recommendations up and in resolution form present them to the tribal council.

I have several—2 or 3—resolutions herein my pocket that I wanted for the record that we have been trying to do something about the cattle program.

Mr. CHUMBRIS. Do you hold an office in the association?

Mr. HALL. I am a member of the board of directors of the association.

Mr. CHUMBRIS. And at a later time one of the other witnesses who are with you will present those resolutions to the subcommittee; is that correct?

Mr. HALL. That is correct.

Mr. CHUMBRIS. At this time would you like to have this agricultural experiment station, North Dakota Agricultural College and Bureau of Indian Affairs, United States Department of Interior cooperating farm and ranch budget for relocating families in the Fort Berthold Indian Reservation report No. 5, Fargo, August 1952, introduced as a part of our exhibits?

Mr. HALL. That is right.

Chairman LANGER. I want to find out more about this. I do not want it in yet.

Mr. Hart, he says he tried to get a loan from the tribal council and couldn't get it. I want to find out why the FHA does not make loans to these people.

Here is a man of outstanding character. Why cannot he get a loan?

Mr. HART. I would like to find out, too, sir. It has been one of the things.

Mr. MILLS. We could have Mr. McDonald or Mr. McClung testify at the Bismarck hearing.

Chairman LANGER. I want Mr. Hart to tell us. He has been with the Commission for a long time. I want to find out before we have this Bismarck hearing as to why these men cannot get a loan.

This man has a fine record.

Mr. HART. Here about 2 years ago, if I remember correctly, we had the Assistant Director from Washington, Mr. Lassiter, and we had a conference with the State Department, Mr. McClung.

Chairman LANGER. Mr. Lassiter said they could get the loan. He stated that at that time.

Mr. HART. They had a conference in North Dakota composed of the superintendents, some of the area directors, to go into this whole field.

As I understand it, they reached an agreement to make these loans. Then authority was given to the area director to sign these loans on behalf of the Secretary of the Interior so that they could receive the loans.

As to why loans have not been made specifically since that time, and in individual cases, I do not know, except that I believe the State FIA department wants to have the complete control of the entire operation and in many of these cases the individuals are tied up in a tribal operation or tribal livestock deal and the FIA, if I have my information correct, say they will not go in and start making a loan unless they have the entire supervision of the entire operation.

They will not divide their authority to supervise with either the Bureau of Indian Affairs or the tribal association?

Do you know if that is correct? The superintendent affirms that in substance that is correct. It is a jurisdictional difference between FIA and the Bureau of Indian Affairs.

FIA says, "We will not go in and supervise his farming operations if we have to deal with another level of Government operating in the same area and doing the same thing."

That is your main difficulty.

Mr. HALL. The FIA in Watford City is where I went. They didn't flatly turn me down.

It seemed to me what John Hart said is correct. They told me that they would pay off my loan to the tribe. That would be all wiped off and the whole thing would be handled there in the one office, that the whole loan would be all taken care of here and I would get a loan through there; but then I think the biggest trouble was the appropriations. I think they had enough clients there that they didn't have appropriations enough to take care of anything further than what they already had.

Chairman LANGER. You went to your tribal council and asked for an extension. Why did you not get it?

Mr. HALL. Regulations, or what it is, I don't know.

Chairman LANGER. Why couldn't they get the extension?

Mr. HART. I am not familiar with that. I believe that that is handled by a title credit committee working under the supervision of the superintendent; is that correct?

Mr. HALL. I think if Mr. Landbloom were here that could be answered and I think we have done our darndest as members of the stock association to try to get refinanced because there when the decline in prices hit it was a cinch that the cattlemen would be wiped out if they didn't get a refinance and the cattle program of the contract with the tribe and the United States Government ran on until 1959.

As a stock association, we couldn't see a reason why the tribal council couldn't make some refinance where the people were in halfway good standing so that the cattle prices would pay on out.

Now, that we couldn't get done. Now, since the decline in prices, there are a good many of these boys that are being foreclosed.

I have here a resolution by the tribal council for the full per capita payment there in Aberdeen about the 18th of September, and in their resolution for per capita payment they are foreclosing on these fee losses without giving them a chance to go on and letting these cattle pay out.

Chairman LANGER. Who is foreclosing?

Mr. HALL. The tribal council. They have a resolution for a full per capita payment and these people that they are foreclosing on if their cattle don't pay out the loan, then they are attaching their per capita payment or their equity in the tribal moneys held in the United States Treasury.

That is the way the resolution reads.

Chairman LANGER. If you were going to make a loan today, Mr. Hall, where would you go to make it?

Mr. HALL. I don't know.

Chairman LANGER. You have good security. What about your local bank?

Mr. HALL. I couldn't get no loan from no local banks.

Chairman LANGER. You couldn't get one from the FHA either. Could you get one from your tribal council?

Mr. HALL. No.

Chairman LANGER. Well, Mr. Hart, I get letters down there every once in a while from someone who is wanting to make a loan. I want you to tell me where he can make it and if he cannot make it, what we can do to see that he is able to get it?

Mr. HART. As far as I am able to know, I don't know of any place that they can make loans to finance the type of operation that they have. The recommendation of the North Dakota Indian Affairs Commission has been since the time that matter was considered about 3 years ago that all agricultural rehabilitation of Indian people be handled by the FIIA instead of by the Bureau of Indian Affairs for 2 reasons:

One, that we do not believe there should be the segregated service of agricultural rehabilitation for either the tribe or the Indian service.

Two, ordinarily the finances of the FHA are unlimited. They have justification before Congress. It is a nonsegregated service and we believe the effect of it would be much better.

The record of the Indian people who have borrowed from the FHA not on grant, but on agricultural rehabilitation loans has been excellent and the solution that the North Dakota Indian Affairs Commission sees is a transfer from the Bureau of Indian Affairs for the responsibility for agricultural rehabilitation to the FHA which agency does the identical work for non-Indian people and thereby avoids the segregation on the racial phase of this.

Chairman LANGER. In other words, a duplication.

Mr. HART. It is a duplication that is racial in that the Bureau of Indian Affairs operates on a racial basis on the reservation for Indian people only.

The result is that the FHA will not go into an area if they can avoid it where they are subject to the foreign jurisdiction, to wit, to the tribal court and the Bureau of Indian Affairs.

They are reluctant to do it. That is the recommendation of the North Dakota Indian Affairs Commission, which has been published for many years.

Chairman LANGER. What does the superintendent say about it?

Mr. SHANE. The funds available for making loans to Indian people are limited so that they cannot make an adequate loan for any one enterprise.

I think that is the one big difficulty. The maximum limit of the size of a loan is apparently sufficient, particularly under present price schedules, for an operator to make a living on the size of enterprise that is allowed.

Now, it is not intended that the funds appropriated by the Government for tribal funds be sufficient to finance Indian operators.

It is intended that they will assist them and they will use the normal sources of any other individual for credit on the outside through FHA or through banks or otherwise.

The difficulty in getting an FHA plan is, as Mr. Hart states, that the FHA will not finance a loan with any organization. They insist on financing the entire operation by themselves.

Chairman LANGER. We have a United States attorney here from the Interior Department. He is the very man you want to talk to. Will you recommend that the FHA make these loans?

Mr. SHANE. I would recommend all Indian people come under the FHA.

Chairman LANGER. What do you think about it?

Mr. KASTLER. I want to know if FHA is willing to undertake the loans.

Mr. HART. Mr. Chairman, may I interrupt and put in the record the conference at which Senator Langer was present in the office of Senator Langer, and present at the time was Mr. Lassiter, then Director, and I believe he is still the Director——

Chairman LANGER. He is not any more.

Mr. HART. The then Director of FHA and myself. At that time he stated in the presence of Senator Langer that FHA would be willing to enter into agricultural loans with Indian people on the same and identical basis that they entered into loans on agricultural rehabilitation for non-Indian people on a strictly nonsegregated basis and that a large percentage of their money would go in that area because the FHA was interested in rehabilitating people in agricultural communities who were of the low economic class, in the low economic strata of society. And further that in Indian country the Indian people would be practically the only ones that would receive the loans because they were the only ones that would be in that strata of economic society.

I believe the Senator will perhaps remember most of the conversation.

Chairman LANGER. I remember it. The trouble is that these men are not getting their loans.

I want to know if you and the superintendent can figure something out as to what kind of litigation is needed.

Mr. Mills is here from the Department of Justice.

Mr. HALL. Senator, we have here an eight-point program of what it takes to do the job and if it is not here the chairman has it.

Mr. CHUMBRIS. Mr. Young Bird is going to testify about this document.

Mr. HALL. He has those things and will present them here. I don't know. We have had our own loaning agency here.

The only trouble with our loaning agency here on the reservation is that it has got into politics and is a political football now, and the stock association has made several attempts to get the cattle program transferred to the stock association.

They are the ones who are running it. They are the ones that are taking care of the thing and there is where it belongs.

When it gets into Indian politics we have people that are not stockmen. They want nothing to do with stock. They get into the council and it is such people as that that are running the business of the stockmen.

They are not stockmen and they are running the business of the stockmen. That is one of the big reasons.

Chairman LANGER. You mean there is politics inside the council?

Mr. HALL. Indian politics, politics on the reservation. The majority of the people today are those that are not interested. The non-progressive class, you might say, are the majority, and the tribal council is the majority.

Chairman LANGER. That would be the Indians' own fault if that is true.

Mr. HALL. Sure it is the Indians' own fault, but it is not the stockmen's fault.

Mr. CHUMBRIS. I understand Mr. Young Bird, the president of the stockmen's association, is going to bring out the difficulties that have arisen within the reservation because of these loans where the tribe has to sign for the loan; is that correct?

Mr. HALL. That is right.

Mr. CHUMBRIS. And only the stockmen are gaining the benefit and that has caused a little bit of dissension.

Mr. Young Bird is going to bring that point out; is that right?

Mr. HALL. That is right.

Chairman LANGER. Let us call him.

Mr. CHUMBRIS. Has he arrived yet?

Chairman LANGER. Is the head of your tribal council here?

Mr. CHUMBRIS. Is Martin Cross here?

Chairman LANGER. Let us get Martin up here.

Mr. CHUMBRIS. Will you come to the witness stand, please?

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CROSS. I do.

**TESTIMONY OF MARTIN T. CROSS, CHAIRMAN, TRIBAL COUNCIL,
FORT BERTHOLD RESERVATION, N. DAK.**

Mr. CHUMBRIS. Will you please state your full name for the record?

Mr. CROSS. Martin T. Cross.

Mr. CHUMBRIS. You are chairman of the tribal council; is that correct?

Mr. CROSS. That is correct.

Mr. CHUMBRIS. And where do you live, Mr. Cross?

Mr. CROSS. I live down south of Parshall in Elbowoods territory.

Mr. CHUMBRIS. And how long have you been chairman of the tribal council?

Mr. CROSS. Four years.

Mr. CHUMBRIS. And how long have you been a member of this reservation?

Mr. CROSS. All my life.

Mr. CHUMBRIS. I understand you recently came from a convention in Sun Valley; is that correct?

Mr. CROSS. That is correct. I represented the Governor as Indian representative of North Dakota.

Mr. CHUMBRIS. And there you discussed many of the problems dealing with the Indian population; is that right?

Mr. CROSS. Yes, sir; I did.

Mr. CHUMBRIS. How many members do you have on your council?

Mr. CROSS. We have 10.

Mr. CHUMBRIS. And how are they elected?

Mr. CROSS. They are elected by the people by popular election.

Mr. CHUMBRIS. For how long a period of time do they hold office?

Mr. CROSS. Two years.

Mr. CHUMBRIS. Do they run concurrently, or is it a split period?

Mr. CROSS. Concurrently.

Mr. CHUMBRIS. At what time of the year do you hold your elections?

Mr. CROSS. Every 2 years in September. In the even years.

Mr. CHUMBRIS. Are you elected chairman by the council itself, or by the members of the reservation?

Mr. CROSS. By the council.

Mr. CHUMBRIS. How many members are there in your council?

Mr. CROSS. Ten.

Mr. CHUMBRIS. How many members are there on your reservation?

Mr. CROSS. Well, there are 2,870.

Mr. CHUMBRIS. 2,870?

Mr. CROSS. That is right.

Mr. CHUMBRIS. How much territory does your reservation cover?

Mr. CROSS. We had 600,000 acres and 152,000 of that has been sold to the Government for this Garrison Dam project, so that is deducted from that balance.

Mr. CHUMBRIS. Now, have you had any resolutions that have been passed by the tribal council that deal with your problems of law and order, education, welfare——

Chairman LANGER. We are on this loan thing. Mr. Cross, we have here Mr. Hart. The Attorney General of the United States has designed Mr. Kastler to represent him, and the Indian department.

We have here the superintendent, and we have here Mr. Mills, the assistant United States attorney.

You have been to Washington three or four times. I want you to tell why a good solid substantial Indian cannot get a loan.

Mr. CROSS. I don't know just how to take it.

Chairman LANGER. Take it your own way.

Mr. CROSS. I don't know the question.

Chairman LANGER. The question is here is a good, solid, substantial fellow with good credit. He wants to borrow \$3,000. Why cannot he get it?

Mr. CROSS. Well, there are certain factors that have to be taken into consideration.

One, he is an Indian. He has to have a security. A security comes from any property that he may have and the property that he has, if it is under trust property, then he must have Mr. Superintendent's ap-

proval, and Mr. Superintendent does not have that authority because that is vested in the Commissioner.

If the Commissioner does not feel like using that for security, then the Secretary of the Interior has to be consulted.

So it is a long process. That is one.

Then the Indian; if the Indian does not have a good credit and is a bad risk, we all know that locally. He does not have to tell you that down in his heart he is a good man, but we can check his record and if he is not very good risk we don't have nothing to do with him.

As far as being a good substantial citizen and getting a loan, that is his privilege. If he doesn't bother anybody, if he doesn't incur any enemies, he can get a loan.

Now, that does not, just because he is industrious, doesn't mean that he can borrow money as he goes along. He has got to follow up that he is a good citizen.

I hope that answers your question, Senator.

Chairman LANGER. Do you have to get the consent of anybody in Washington before you can make that loan?

Mr. SHANE. Loans are not approved at the agency level. They are approved at least at Aberdeen area level.

Mr. HART. Mr. Chairman, may I interrupt a second?

Chairman LANGER. I want to figure out whether that is a good thing or not. Why should not the superintendent have the authority?

Mr. SHANE. The superintendent is often under a lot of pressure out here where it would be to the advantage of every one concerned that that final decision be made higher up. The recommendation of the superintendent is a factor in the decision for approval.

Chairman LANGER. A non-Indian can go to a bank and borrow \$2,000. Why should not that same privilege be granted to a superintendent? You are here and you are the boss. You know the situation.

Is it because of the pressure that the superintendent cannot make the loan?

Mr. SHANE. It is because of rules and regulations at the present time.

Chairman LANGER. I understand, but we are talking about getting that changed if it is desirable. That is up to the Congress.

Mr. SHANE. It just changed the other way within the year, I believe. A year ago the superintendent had the authority to make that loan and a year ago it was withdrawn to the area office.

Chairman LANGER. It was changed a year ago?

Mr. CHUMBRIS. By regulation.

Mr. SHANE. Yes.

Chairman LANGER. I would like Mr. Hart's comment.

Mr. HART. Generally there are two funds that are involved. One is title funds where the tribe borrows from the Government under the Wheeler-Howard Act:

Then they try to make those loans to individuals.

The other fund is a general fund not involved with the fund. Is that correct?

Mr. SHANE. Mr. Landbloom will answer that.

Mr. HART. Is that correct, Mr. Landbloom?

I believe that in the record we should get the distinction between funds.

Chairman LANGER. At the present time in Washington there are 18 different outfits that make loans for farmers and, by the etherial gods, that is 17 too many. We want to get the proper statutes so that we can get this thing pinpointed to some individual.

Mr. CHUMBRIS. Mr. Landbloom.

STATEMENT OF GLENN R. LANDBLOOM, ASSISTANT DIRECTOR, RESOURCES DIVISION, AREA OFFICE, BUREAU OF INDIAN AFFAIRS

Mr. LANDBLOOM. Glenn R. Landbloom.

Mr. CHUMBRIS. What is your capacity?

Mr. LANDBLOOM. I am the assistant director in charge of resources from Aberdeen.

In this area we are generally concerned about three types of funds which are used for making loans. The prevalent fund is the tribal revolving credit fund.

Now, those funds generally have been borrowed from the United States and then they are handled by the tribe and put out on individual loans.

Now, this other type of fund is pretty much of a local tribal fund that the tribes in the area pretty much put out under their own supervision.

We have little or nothing to do with loans that are made from local tribal funds. They are used for a variety of purposes.

Now, the loans that are in the revolving credit fund are subject to the regulations and instructions of the Secretary and the Commissioner of Indian Affairs.

Now, there is another type of loan which they call a direct loan, which is made direct from the United States to the Indian, which is used generally for educational purposes to send these young folks to college. Those are the three basic funds that we are usually concerned with.

Mr. HART. Mr. Landbloom, what funds for agricultural rehabilitation does the Resources Division under Mr. Utz have for agricultural rehabilitation of Indian people where they do not have access to tribal funds?

Mr. LANDBLOOM. That is this tribal revolving credit program and generally the source of that is appropriated funds which were loaned to the tribe at a certain rate of interest and they in turn loan that money to the individual members of the tribe.

Mr. HART. Isn't there a source of funds that can be loaned to Indian people for agricultural rehabilitation without going through the revolving fund, or direct tribal funds?

Mr. LANDBLOOM. I know of none.

Chairman LANGER. Is there a place where a good man can get a loan?

Mr. LANDBLOOM. The main reason why these persons can't get loans is because of lack of security. Within the last few years FHA has become a security lender. They used to pick up people on a shoestring and give them supervision and laid out a plan and pretty much got the job done.

Chairman LANGER. That was what they were organized for.

Mr. LANDBLOOM. At the time we had this meeting with Mr. Lasser it was shortly thereafter that they announced the policy of

security lending. Some of these people that are up there, they are in the hole so much to the tribe that they don't have any security.

Chairman LANGER. If they had security they could walk into a bank.

Mr. LANDBLOOM. That is right, they could go anywhere and get a loan. There is another factor.

FHA has a limitation which varies in the different counties. It runs from \$13,000, \$14,000 to about \$18,000.

It is set for that county and they can't make a loan any larger than that individual commitment which has been set up for that county.

Now, some of our boys need more money than that \$15,000 or \$16,000. Through the years here in the last 8 or 9 years, we have had boys on this reservation that have had an \$8,000 and \$9,000 loan, plus 50 head of cattle. That is when they were worth \$300 a head. That is \$21,000, or \$22,000.

That is a pretty fair-sized loan.

Mr. HART. Mr. Landbloom, you say that there is sufficient money to extend credit to these people that are qualified for it; is that correct?

Mr. LANDBLOOM. I didn't say that.

Mr. HART. Didn't you make some remark along that line?

Mr. LANDBLOOM. I said we have some funds. We don't have adequate funds.

Chairman LANGER. What do you mean by adequate funds?

Mr. LANDBLOOM. Well, we realize that some of these people should have been financed a little larger through the years, but our funds have been small.

So we tried to help those that we could and to give them encouragement to grow into that business rather than to start at the top with a \$25,000 or \$30,000 or \$35,000 indebtedness, and if you would default on that kind of a deal, you would never come out of it.

Chairman LANGER. Has the Congress appropriated enough money so that you could make these loans?

Mr. LANDBLOOM. No, they haven't.

Chairman LANGER. How much have they been short?

Mr. LANDBLOOM. That is a little difficult to answer. I think Senator Case talked about a \$50 million bill here at one time for the Sioux people.

Chairman LANGER. Mr. Case is a very good friend of the Indian, as good as you have in Washington.

Mr. LANDBLOOM. That is right.

Chairman LANGER. And we have been trying to help him.

Here is a young man who has gone over to Korea and has done everything in the world, fighting for this country. We are interested in seeing that that man has a chance to start out and make an honest living.

What in your opinion should be done to see that he has that opportunity?

Mr. LANDBLOOM. Well, I think that if the recommendation of the commission here is that FHA should handle the program and that is also the policy of the Bureau, that we go into a type of credit that is not particular or peculiar to the Indian service that we make some recommendations that FHA can do the job that they originally set out to do, that is to give financing to people who cannot secure it elsewhere.

Chairman LANGER. Why should not FHA be the loaning agency for the whole works?

Mr. LANDBLOOM. That is fine.

Chairman LANGER. Instead of having 3 or 4 different outfits.

Mr. LANDBLOOM. We would be agreeable.

Chairman LANGER. Senator Byrd, of Virginia, who is in charge of that committee, as you know, and has been for many years, says there are 18 different lending agencies. I do not know what they all are. He did not give a list of them.

When I return I intend to find out. He has been on the committee for a while and he has been advocating for a long time getting rid of some of these boards or commissions or bureaus, with which I agree.

You think that the FHA alone could do the job?

Mr. LANDBLOOM. If they will make loans on which security is not the most important factor.

Chairman LANGER. Why cannot they make both kinds of loans?

Mr. LANDBLOOM. They can, but the security type loan is not going to reach the borrowers on this reservation.

Chairman LANGER. Do you know the financial record of the FHA? Have they made or lost money?

Mr. LANDBLOOM. I think the record is pretty good.

Chairman LANGER. That includes even some of the loans made years ago?

Mr. LANDBLOOM. I think the record is fine on those earlier seed loans.

Chairman LANGER. They have collected seed loans that are 25 and 26 years old?

Mr. LANDBLOOM. That is right.

Chairman LANGER. In other words, the farmer comes over from Canada and Canada canceled all those loans the year after World War I was over, but a North Dakota farmer, if he goes over there, he is still paying 6 percent interest on these loans made way back in World War I and all the Senators from all the Northwest States time and time again have gotten together to try to get the seed loans canceled or at least get the interest thrown off.

Mr. McClellan has helped all he could. He made some very fine settlements as you know.

But in some cases where a man dies they grab the entire estate and leave the widow and children destitute.

You know some of these cases, Mr. Hart, because you brought them to my attention.

The children become delinquent because mother has probably to go and get assistance of some kind. The children have had to get along the best they could.

I am interested in your viewpoint that you believe the FHA could take care of this entire problem.

Mr. LANDBLOOM. Yes, sir.

Mr. HART. Mr. Chairman, may I ask Mr. Landbloom a couple of questions?

Chairman LANGER. Ask him any questions you want, or anyone else may ask questions.

Mr. HART. How long was this Indian Service rehabilitation program operating on this reservation?

Mr. LANDBLOOM. Well, I think it started in the early forties here. It didn't become too active until about the middle of the forties.

Mr. HART. It started on a loan under the Wheeler-Howard Act to the tribe; is that correct?

Mr. LANDBLOOM. That is right.

Mr. HART. About how many people have been clients of that service since its inception?

Mr. LANDBLOOM. I wouldn't have the exact figures. We can get those figures on the number of people that have been in the program, the degree of blood and also the size of those loans.

That is a statistical thing which we can furnish.

Mr. HART. Could you give us a rough estimate of the number of people that came under that program in the first 2 years of its operation; Ten, twenty, thirty?

Mr. LANDBLOOM. No; I couldn't.

Mr. HART. Will you be able to tell us how many of the people that have been clients of this program are now economical self-sufficient so that they do not need credit from this program and are now assuming their position with the same rights and responsibilities, including the paying of taxes as non-Indian citizens?

Mr. LANDBLOOM. Well, I don't know the exact number. It would be less than 25.

Mr. MILLS. How much money do you have on hand right now?

Mr. LANDBLOOM. That is a local matter, Mr. Mills. I don't know the exact figure. That varies from day to day. They would have that at the agency.

Mr. MILLS. What I am getting at is if there is money on hand right now in any appreciable quantity; I was wondering as to the reason why it hasn't been loaned out.

Mr. LANDBLOOM. No particular reason. It is up to the tribal credit committee to make their recommendations on the basis of the past performance of the individual, where they think he will go from here; and after they have made a recommendation and the superintendent has taken action, it is sent into our office for final approval.

Mr. MILLS. Who could give the figure of the amount available right here that has not been loaned yet?

Mr. LANDBLOOM. You mean the amount that is on deposit now?

Mr. MILLS. Yes.

Mr. LANDBLOOM. Is Mr. Louts in the audience? He probably could give it.

Mr. MILLS. Is he here?

Do you know anyone who is here that can give it?

Mr. HALL. Mr. Louts won't be here until this afternoon.

Mr. MILLS. Is there any way of getting in touch with him so he would have this figure this afternoon?

Mr. HALL. I think probably some of the people will see him at noon.

Mr. CHUMBRIS. Within the framework of you own organization are there any recommendations that you would make to get around the difficulties that these people have in getting loans, any recommendation as to change in the law itself that you could recommend to this subcommittee that they could take up as a means of continuing to help these people within the framework of your own organization?

For instance, let's say FHA doesn't do it. Is there anything that you can do to help the situation?

Mr. LANDBLOOM. I think it is pretty well conceded that these tribal loans have been a source of aggravation on some of these reservations. We see it this morning in the political implications of this sort of thing and it is possible that a direct loan program might be the answer if FHA won't handle it, a direct loan program which would cover agricultural endeavors, commercial as well as educational.

Mr. CHUMBRIS. In other words, you could have a direct loan as you do for educational purposes; is that correct?

Mr. LANDBLOOM. We could perhaps carry on the same program as FHA if they don't care, or have facilities to handle that type of program which would give Indian coverage.

Mr. CHUMBRIS. Is that a difficult recommendation to make?

Mr. LANDBLOOM. I don't see that it is. It is just an enlargement of our direct loan program.

Mr. CHUMBRIS. In your way of thinking, that is the best solution within the framework of your organization to get around the difficulty that you encountered from reservation to reservation; is that correct?

Mr. LANDBLOOM. I think so.

Chairman LANGER. We thought we would have Mr. Case here, but we had a telegram here yesterday that he was detained.

It is a source of regret to me that he is not here, because he is thoroughly familiar with this entire problem.

How many educational loans have been made in the last year?

Mr. LANDBLOOM. You mean on all the reservations?

Chairman LANGER. Yes.

Mr. LANDBLOOM. I would hate to make a guess, because it would just be a guess. We must have made over 100.

Mr. CHUMBRIS. How much in dollars and cents?

Mr. LANDBLOOM. They run all the way from a few dollars up.

Mr. CHUMBRIS. How much money do you have available for those educational loans?

Mr. LANDBLOOM. Well, the tribe has made some of these educational loans and the Government has made some direct.

Mr. CHUMBRIS. I am referring to the direct educational loan now.

Mr. LANDBLOOM. I really wouldn't want to say. They run from a few hundred dollars up to \$2,500.

Mr. MILLS. Where are these figures available?

Mr. LANDBLOOM. They are in the area office and some are available in this agency as far as this jurisdiction is concerned.

Mr. MILLS. Could we get the figure on how many of those direct educational loans were made in this agency?

Mr. LANDBLOOM. I think so, yes.

Mr. MILLS. Could we have that this afternoon?

Mr. CHUMBRIS. Could you suggest how much money would be needed to be appropriated to your agency to take care of the Indian reservations in North Dakota on the type of loan that we are talking about, a direct loan to take care of the difficulty that we are encountering right at this moment?

Mr. LANDBLOOM. Well, I don't know. There have been a series of recommendations. Senator Case had the \$50 million Sioux bill in there and we, of course, went along with that and those estimate have varied.

Mr. CHUMBRIS. Would that \$50 million be for the particular purpose we are talking about now?

Mr. LANDBLOOM. That would be for all types of loans, rehabilitation, educational, commercial, and agricultural, and perhaps even placement, moving people off the reservation.

Chairman LANGER. I might say that Senator Young is invited to be at all four of these meetings. He is on the Appropriations Committee. He could not be here, but we intend to turn over all the testimony to Senator Young, who is on the Appropriations Committee, and we are in great hopes that Mr. Hart can spend 2 or 3 months in Washington. He knows those various Senators, including Senator Watkins, quite well—the committee which has charge of this matter at the present time.

He is very sympathetic.

Wouldn't you say so, Mr. Hart?

Mr. HART. I would like to ask a couple of more questions.

The CHAIRMAN. You ask as many as you want to ask.

Mr. HART. This \$50 million was that just for the Sioux people?

Mr. LANDBLOOM. I think it was pretty much proposed along those lines.

Mr. HART. How many personnel are employed at the present time for taking care of the Sioux people on agricultural rehabilitation?

Mr. LANDBLOOM. Well, the service that was carrying on the loan program has generally been what we call the branch of extension and credit and in 3 States their total was around 35 people that have been handling that.

Now we have a different group of organization.

Mr. HART. If this \$50 million were given for the Sioux people, the Aberdeen area office, how many more employees would have to be added to properly handle that?

Mr. LANDBLOOM. Well, it would vary, of course, in the amount of money you put out; how fast you put out the money.

Mr. HART. Would it increase the staff considerably?

Mr. LANDBLOOM. I think it would, yes.

Mr. HART. That is all.

Mr. KASTLER. May I ask a few questions?

Mr. Landbloom, do you know whether the FHA is ready and able to make loans to the Indians and if so, on what conditions?

Mr. LANDBLOOM. I think they are able and willing to make loans on a security basis. They make loans for what they call FO, farm ownership loans, as well as for operating loans.

Mr. KASTLER. Now, the Bureau of Indian Affairs has recently changed its policy so that the land can be pledged as part of the security; is that not right?

Mr. LANDBLOOM. That is right.

Mr. KASTLER. But then it remains that other things are pledged because an Indian might have a tribal loan that acts as an impediment to his obtaining a loan from FHA; is that right?

Mr. LANDBLOOM. It wouldn't have to act as an impediment. The stand we have taken is that if FHA is going to finance an Indian agriculturalist, they should refinance him and take over the whole debt. We don't like to split security, and they don't, either.

Mr. KASTLER. So you both see eye to eye on the split security and it would involve FHA lending a sum large enough to liquidate the tribal Wheeler-Howard loan; is that correct?

Mr. LANDBLOOM. It would mean increasing their top limitation a little bit and would also mean a little more relaxation on the security features of the program.

Mr. KASTLER. Now, how could they increase their top, their lending limit?

Mr. LANDBLOOM. They could do that by their regulation, I assume.

Mr. HART. May I ask one more question?

On this reservation since the regulations have been changed authorizing the area director to pledge property to the FHA, would you be able to tell us how many Indians on this reservation now have FHA loans under that procedure?

Mr. LANDBLOOM. I don't at the moment recall any.

Mr. HART. Do you recall whether or not there are any such agricultural loans in the State of North Dakota?

Mr. LANDBLOOM. I believe we may have one on Standing Rock.

Mr. HART. How long has the area director had this authority?

Mr. LANDBLOOM. I think for probably about 2 years, maybe a little less.

Mr. HART. And during that 2-year period that authority has been exercised by the area director, in only one case that you know of; is that correct?

Mr. LANDBLOOM. No; that is just on the specific reservations that you have mentioned. We have approved several of them on the other reservations.

Mr. HART. I am talking about North Dakota. In North Dakota the area director has exercised that authority only once in assisting Indian people in getting FHA loans.

Mr. LANDBLOOM. I believe that is right. That is the only one that we felt we could approve and perhaps was one of the very few requests.

Mr. HART. Will you state for the record the various reasons why the area director will not approve such loans?

Mr. LANDBLOOM. As I stated, there have been very few requests and we look them over individually and see whether that loan would be helpful to the Indian.

Mr. HART. In other words, the FHA may sometimes be in the position where they are ready, willing, and able to go in and make the loans, but the area director and his staff decide for their own reasons that they will not grant the pledge in this case.

Mr. LANDBLOOM. I think we would see very much eye to eye with the FHA.

Mr. HART. You have stated, have you not, or did I misunderstand, that in some cases you did not approve such applications?

Mr. LANDBLOOM. That is right. But neither has FHA.

Mr. HART. Neither has FHA at the time?

Mr. LANDBLOOM. Yes.

Mr. MILLS. Under the GI bill, the Government pledged 50 percent of the security in order to enable veterans to obtain a loan. Do you think that an appropriation to make a 50-percent security would assist any in any way for FHA loans?

Mr. LANDBLOOM. Well, it might. I don't know. I would have to study the guaranty provisions and what was involved and the mechanics of doing that thing.

Mr. MILLS. Would the Indian who needed loans have 50 percent security?

Mr. LANDBLOOM. In many cases they wouldn't.

Mr. KASTLER. Mr. Landbloom, if the FHA were to make, say, 5 loans and out of the proceeds of those loans the 5 Indians who borrowed the money were to liquidate their loans at the tribe, then the tribal revolving loan fund would be increased accordingly; would it not?

Mr. LANDBLOOM. That is right.

Mr. KASTLER. And according to that, then the tribe should be given just automatically further resources to extend its loaning feature; is that correct?

Mr. LANDBLOOM. Well, they could use the money that had been repaid to loan to other people perhaps, that might not be able to meet the standards which had been imposed.

Mr. KASTLER. Thereafter, if they had back their revolving fund to loan again, could the tribal council make a more comprehensive loan which would get the job done?

Mr. LANDBLOOM. Well, the money comes back over and over. It is a revolving fund, but it is still rather limited to take care of the total needs.

Mr. CHUMBRIS. Mr. Landbloom, you heard the statement of Mr. Hall earlier as to the tribal council having the say of the money that the stockmen's association gets rather than the stockmen's association.

Have you anything to say in accordance with Mr. Hall's request, or the request of the stockmen's association as to how that could be worked out?

Mr. LANDBLOOM. I don't have a recommendation.

Mr. CHUMBRIS. You don't know how that could be worked out?

Mr. LANDBLOOM. I don't have a recommendation at the moment.

Chairman LANGER. Mr. Cross, how many loans has the tribal council made in the last 4 years?

Mr. CROSS. I wouldn't know, Senator. We have a credit clerk and we have a credit officer taking charge of those.

Chairman LANGER. Could they give us an approximation?

Mr. CROSS. About 300, I would guess, 300 loans.

Chairman LANGER. That would be about 75 a year.

Mr. CROSS. I would like to say just to keep the tribal council and their actions clear, make it clear to you, that this group of the stockmen's association are initiating a movement now to get appropriation from the Congress to take over their loans.

I think the idea is good. I don't think the tribal council would have objection.

I would like to ask Mr. Landbloom to go along with me on this to help me out.

Now, the tribe itself has about \$280,000 in this revolving fund. The Government has about \$200,000. The loaning fund, the revolving fund that we have on Fort Berthold Reservation amounts to about \$580,000 capital.

Now, I want to make a comparison with a bank in Halliday. In Halliday south of the river they are maintaining that bank there and their assets are \$30,000.

So we have about 10 times as much as the Halliday bank has and they have a thriving business.

In our situation our clients, about half of them just about tell us to go to hell when we try to collect the debts.

Now, they get to a point where their property becomes so insolvent that they are trying to work out something.

Chairman LANGER. Who?

Mr. Cross. Our loan clients, the Indians.

Now, there is a different kind of proposition to make, you understand. It is a local affair.

Now, I am willing to go along with Mr. Landbloom at lunchtime. I want to talk to him. We can come back with a solid program planned to present to the committee here.

Can we do that, Senator?

Chairman LANGER. Do that, but I do not see how you can work it out during the lunch hour when we have been at it for 125 years.

Mr. Cross. I want you to appropriate \$280,000 out of Congress to pay us and we will give the papers over to the Congress for those people.

Chairman LANGER. What we are interested in is to wipe out some of these loan agencies and get the law so that the fellow who has little security or practically none, can get rehabilitated; is that right, John?

Mr. HART. That is correct, and be rehabilitated on a nonsegregated basis.

Mr. Cross. I don't take too much from John Hart. Sometimes I say I wouldn't believe his sworn statement. If he is willing to recommend to the committee here that the Indians should be rehabilitated, I am 100 percent for it.

At this moment I feel that Mr. Landbloom and I can present to you a plan this afternoon how to go about liquidating our tribal loan program, taking the clients into consideration and have the independent setup.

Chairman LANGER. But you see, Mr. Cross, this subcommittee is not interested just in Elbowoods. We are out here trying to set up a program for all the Indians in the United States, the Navahos and Torres Martinez tribe, the poverty and suffering there that is absolutely indescribable.

If we pass a law we have to pass it for the whole United States and we are trying to figure out some way that would do it.

The Governor has announced that he is going to set aside a week when the legislature meets. He is going to set that aside to pass whatever legislation is needed in the State.

We have Senator Young, Senator Case, Senator Mundt, Senator Humphrey, and other Senators, that are trying to figure out how we can make a model setup for the entire country.

If you and Mr. Landbloom can figure out some way in which you can help us, we want your help.

Mr. Cross. I will be thinking on the Indian side and he can be thinking of the Indian Bureau side, and we will take our friend, Mr. Hall's recommendation here into consideration and to amplify some of his statements, if need be, but we want to show you that there is need on the Fort Berthold Reservation for a readjustment.

On January 20, 1954, the area director by order declared moratorium on all loans. There was no cash or cattle loans. Everything was at a standstill.

The tribal council adopted a resolution and sent me down to see the Commissioner in Washington. I tried to get him to lift that moratorium. I tried to go over the head of the area director, but we weren't successful because of the rate of delinquency on our loans. It was so darn high.

Chairman LANGER. The rate of what?

Mr. CROSS. The rate of delinquency. I don't know why the loan clients just cannot pay their debts. They couldn't make it. So the best thing to do was to shut the door.

Now, of course, you are talking about a general problem to take care of the whole United States. The idea is if the stock association is willing to work out of this bad situation we will be glad to cooperate in any way we can, and it might be a good idea to tell you, Senator, that the resolutions or petitions, or whatever they have have never been presented to the council.

They are working individually with the Indian Bureau, but they are getting nowhere fast.

So that is the reason why I want to talk to Mr. Landbloom at lunch time. Maybe we can bring these people along so that as authoritative people we might be able to help.

When they go up before you and make a different proposition it makes it difficult.

Mr. CHUMBRIS. We will recall you after the lunch hour, then. Would you yield the chair then?

Mr. MILLS. Do you have something else?

Mr. CHUMBRIS. We have to complete the line of questioning on the stockmen.

Mr. HART. Mr. Chairman, may I clarify the record by asking Martin a question?

Chairman LANGER. Yes.

Mr. HART. Mr. Cross, you stated that sometimes you did not believe me under oath. If under oath I testified to the same thing that you did and if you were in agreement with me, would you believe me?

Mr. CROSS. I would.

Senator, it might be interesting for you to know that John Hart represented the Governor, non-Indian representative for the State to Sun Valley and I represented as the Indian representative and the Governor told us if we voted against each other we would be doing all right; we wouldn't hurt anybody, but when we get together to watch out.

Mr. CHUMBRIS. Mr. Young Bird.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. YOUNG BIRD. I do.

TESTIMONY OF BENJAMIN YOUNG BIRD, PRESIDENT, FORT BERTHOLD STOCKMEN'S ASSOCIATION, EMMET, S. DAK.

Mr. CHUMBRIS. Mr. Young Bird, will you state your full name for the record?

Mr. YOUNG BIRD. My name is Benjamin James Young Bird.

Mr. CHUMBRIS. And where do you live?

Mr. YOUNG BIRD. I reside at Fort Berthold Indian Reservation.

MR. CHUMBRIS. How long have you been a member of this reservation?

MR. YOUNG BIRD. All my life.

MR. CHUMBRIS. And are you an official of the reservation?

MR. YOUNG BIRD. I am a stockmen's association chairman.

MR. CHUMBRIS. Chairman of the stockmen's association?

MR. YOUNG BIRD. Yes, sir.

MR. CHUMBRIS. When was the stockmen's association organized?

MR. YOUNG BIRD. That I don't remember.

MR. LANDBLOOM. I think it was a little before 1940, 1936.

MR. YOUNG BIRD. I think it was 1935.

MR. CHUMBRIS. It takes care of the stockmen on this reservation; is that correct?

MR. YOUNG BIRD. That is right.

MR. CHUMBRIS. How many members do you have in your organization?

MR. YOUNG BIRD. We have around 90 members.

MR. CHUMBRIS. And when do you hold your elections?

MR. YOUNG BIRD. On the 1st of February of each year.

MR. CHUMBRIS. February 1 of each year. How long have you been the chairman?

MR. YOUNG BIRD. Just a year now.

THE CHAIRMAN. For how long a term do they elect?

MR. YOUNG BIRD. Just a year.

MR. CHUMBRIS. Will you please explain to us in your own way some of the duties and the responsibilities and the purposes of your organization, for the record?

MR. YOUNG BIRD. The purpose and the duties of the organization are to try to help a stock association as a whole, both in the State and in the reservation in seeing that they are taken care of in the line of their needs, stock, and also for the families.

MR. CHUMBRIS. Do you know whether there was a similar organization such as yours on other reservations here in North Dakota?

MR. YOUNG BIRD. No, I don't. We have the State of North Dakota association but—

MR. CHUMBRIS. Yes; but I mean that takes care of the membership on a specific reservation. Is there one at Fort Yates, do you know, for Standing Rock?

MR. YOUNG BIRD. There is one in Standing Rock.

MR. CHUMBRIS. They have an association just like yours?

MR. YOUNG BIRD. Yes.

MR. CHUMBRIS. And is it composed mostly of the Indian members on the reservation?

MR. YOUNG BIRD. That is right.

MR. CHUMBRIS. Do they have one over at Fort Totten, do you know, or Turtle Mountain?

MR. YOUNG BIRD. No, I don't.

MR. CHUMBRIS. Are the duties and responsibilities of your organization in any way similar or in any way in conflict with the tribal council?

MR. YOUNG BIRD. That is a \$64 question. It is in some ways.

MR. CHUMBRIS. Would you please explain in your own way, the similarities and conflicts, if any?

MR. YOUNG BIRD. The stockmen's association's responsibilities is to the tribal council. We are under the tribal council. We get our loans through the tribal council on operating expenses.

They in turn, I think, get a loan from the Government and they loan this out to the individuals.

MR. CHUMBRIS. Now, you say you get your operating expenses from the tribal council. They allot so much—

MR. YOUNG BIRD. Individual borrowers.

MR. CHUMBRIS. Does the tribal council appropriate so much to your organization for operating expenses?

MR. YOUNG BIRD. No. We have a 2-percent fund on sales that we operate with.

MR. CHUMBRIS. That is from your various members?

MR. YOUNG BIRD. That is right, on sales.

MR. CHUMBRIS. Now, explain the procedure you have just stated, about how you get loans from the tribal council.

MR. YOUNG BIRD. The tribal council is the business head of the Fort Berthold Reservation. We go to them in their outfit. Within the members they have what they call the loan board. In that loan board the individual presents his application for a cattle loan and also cash loan.

They decide whether this person should get the cattle or whether he should get the cash to operate with.

MR. CHUMBRIS. Let me ask you this: Is this in reference to the tribal revolving credit fund, or is it in relation to the tribe's local fund?

MR. YOUNG BIRD. The tribal revolving fund.

MR. CHUMBRIS. The revolving fund.

MR. YOUNG BIRD. That is right.

Chairman LANGER. Is the North Dakota Tax Commission represented here this morning?

MR. CHUMBRIS. Yes, sir.

Chairman LANGER. Would you come up and sit here, Mr. Jakes? You may ask questions if you like.

MR. YOUNG BIRD. Our main difficulty in this stockmen's association is that the loans are quite small at the time the loans are taken out around 1942 or 1945 when machinery was quite high, and a loan period is 6 years and all nonrecoverable, has to be paid back within the first year.

You are given about 30 head of yearling heifers and you are expected to pay back the following same fall.

You take out your loan in about June; your cattle and loans and stuff, and you are expected to pay back in the same fall of the year probably \$1,000, \$1,500.

I am pretty sure our Senator here is very familiar with the North Dakota crops, the situation in North Dakota today. We don't control the rains and we sometimes fall short on our payments and we do have a drought which makes it very difficult to pay out the first year.

It makes your payments double whatever short you are.

This 6-year period, expecting the 6-year period with 30 head of heifers without no assistance nowhere is a very hard thing and we find that the North Dakota Agricultural College and we have a copy here which I would like to leave with you, found that the other parties outside of the Indian are unable to meet that, they are unable to do that. The findings are all here.

Mr. CHUMBRIS. Would you please explain the reason for that survey and how it came about and some of the meat of the survey?

Mr. YOUNG BIRD. The reason for this survey was conducted by the Interior Department. Men there have found out, worked this up, where an Indian cannot compete with a white man on the outside without having a sufficient amount of cows. That is what the main thing is which has been taken up from the Interior Department with the North Dakota Agricultural College when this thing came about.

Mr. CHUMBRIS. Did you say that the finding of that study was that the method of repayment of the revolving fund was such that you could not possibly keep up with it; is that right?

Mr. YOUNG BIRD. It is very true, yes. The method of the loans, conditions of our lands, crop, and there is one thing that I would like to stress here in that.

The crops in North Dakota are very uncertain. The main backbone of industry in this reservation is the cattle industry. With a cow, enough cattle, you can make a good living, a decent living, which will take care of a lot of what you have gone through as far as your juvenile cases where a man has a good home, the family are busy working, the children are occupied other than running around. That takes care of a good home, a good place to have your children is right there with you where you can have something for them to do other than to have too much time on their hands.

The trouble with this and the trouble with the Interior Department is the fact that the men who are responsible for our program and help build us up in this, brought this thing up to a head, could not get no money from the Congress of the United States.

No matter how ambitious our men in the Interior Department or any other place, you cannot get the appropriation and you cannot get any place.

Mr. CHUMBRIS. Could you specify what kind of appropriation you are referring to?

Mr. YOUNG BIRD. The agricultural appropriation, or appropriation as a whole. Everything in the line of appropriation is very, very small. I have been in Washington. I have heard complaints time and time again where they say they can do better with the State taking over the whole thing.

I quite disagree with that. If the State takes over the thing and if they don't have the appropriation and they don't have the money we will be worse off than having the Interior Department taking over, because they have other people to take care of, the State.

The State is responsible for the other people other than the Indians. That is why I say we better keep our Interior Department men and give them enough money to help us formulate a good program.

We have had good programs presented, laid down, and that never materialized because of the fact of lack of appropriation.

Mr. CHUMBRIS. Do you have specific recommendations of the type of appropriations that were recommended and were not approved that you could present to this subcommittee now?

Chairman LANGER. Mr. Young Bird, what puzzles me is that Mr. Aandahl has been Governor of the State and is in the Interior Department.

Senator Young was on the Appropriations Committee.

You have Congressman Burdick, who for 45 years has been very active in these matters.

Mr. YOUNG BIRD. That is right.

Chairman LANGER. Why cannot we get together and get this thing lined up where it is solved?

Mr. YOUNG BIRD. That is a good question. I would like to answer it in my own way.

Chairman LANGER. I would like to have you do that. That is what is puzzling to me.

Mr. YOUNG BIRD. All right. We have good, sound programs. We take them to the United States Congress, the House, and also the Senate.

We go there with a good sound basis.

You understand that this reservation does not have any lawyers. We depend entirely on our Interior Department lawyers to work up those things and help us to formulate those things.

We go to our Senators and go to our Congressmen to help us line up those things. We present good sound programs and on comes an unofficial delegation stating that that is not what the people wanted.

We have lost a considerable lot through that. We have lost \$14 million plus a good, sound program.

Mr. CHUMBRIS. What do you mean by your delegation not being the proper delegation that you referred to?

Mr. YOUNG BIRD. I refer to a delegation in the council, members that have been elected the same as our good Senator here, by the people of North Dakota who sent him out there to do their business, of another bunch of people go out there and buck him and state that he wasn't doing what the people wanted.

Mr. CHUMBRIS. I want to know when was this that they did that, and who were they?

Mr. YOUNG BIRD. Here is a bill, S. 3303, March 24 and March 8, 1950, considering our shore lines, our electricity, and everything that was taken from us by the Garrison Dam.

Chairman LANGER. You said a moment ago that you had no lawyers, but you have a State Indian Commission. You have Mr. Hart. They have been of great service to you.

Mr. YOUNG BIRD. Mr. Hart has never been with us at the time we were out. Mr. Hart came out later.

Chairman LANGER. He was not present at your meeting.

Mr. YOUNG BIRD. He wasn't with us at the time that we were on the council, at the time we presented these bills.

Here is one for your record probably. There was \$1,000 per capita made and the thousand dollar per capita was only made, all the provisions with it.

That was on April 18 presented to the area office, April 13, 1951.

Mr. CHUMBRIS. So that the record will be straight, you are referring now to action that was taken when you were on the tribal council and not action of the stockmen's association?

Mr. YOUNG BIRD. That is right. When we were on the tribal council the same as anybody who is the head of the entire reservation and looks out for anyone whether he is a stockman, whether he is a farmer, or a mechanic, or whatever your duty is to look out for the ones that you have under you.

Those are the points that we had presented and it was approved by two area officers.

Mr. CHUMBRIS. Getting back to these recommendations that you were looking for, have you those recommendations that you would like to submit to this subcommittee?

Mr. YOUNG BIRD. On the stockmen?

Mr. CHUMBRIS. On the stockmen, on the type of help that you would like to see the people here get, the stockmen get.

Mr. YOUNG BIRD. Yes; we have eight points here.

I could leave these with you and you will be able to have them.

Mr. CHUMBRIS. These eight recommendations are listed on a mimeographed sheet called a message to the Commissioner of Indian Affairs from the Fort Berthold Stockmen's Association, presented by Mr. B. J. Young Bird, president, on September 16, 1954; is that correct?

Mr. YOUNG BIRD. That is correct.

Mr. CHUMBRIS. And you would like to have this submitted as one of the exhibits to this subcommittee?

Mr. YOUNG BIRD. That is right.

Chairman LANGER. It may be admitted. Let it be exhibit No. 12. (The document referred to was marked "Exhibit No. 12, and reads as follows:)

EXHIBIT NO. 12

A MESSAGE TO THE COMMISSIONER OF INDIAN AFFAIRS FROM THE FORT BERTHOLD STOCKMEN'S ASSOCIATION PRESENTED BY MR. B. J. YOUNG BIRD, PRESIDENT, ON SEPTEMBER 16, 1954

(1) The Fort Berthold Reservation farm and ranch credit program has never been adequately financed. We have found that we have almost as much tied up for machinery, equipment, and work for an inadequate unit as we would need for a good one. The North Dakota Agricultural College made this study just a little while ago that shows just how poorly financed our programs are. The way it is, with the Bureau of Indian Affairs owning the cattle and machinery and making loans for seed and so on, we are almost like working for poor wages in somebody else's program. We never had the chance to build up our equity to where we had something invested in our own program. All we had a chance to put into it was a lot of hard work.

(2) Besides our program being poorly financed, it was financed by money loaned to the tribe and backed up by all people—old men, old women, children, and people who never had a hand in the program at all are going good for our debts. This has brought bad feeling and bitterness to our community and a lot of misunderstanding, and has turned us against one another. In this kind of situation, the stockmen's association can never get a loan and credit program operated so that we can really benefit from it. A program where we are forced to use the money of other people of the tribe for our own operations will never work. We are not calling names or making accusations now; we just want to say that unless a credit system comes from the men who owe and use the money that they themselves are responsible for, they can't understand the problem and can't really feel responsible like they could if it was their program and their ideas. That's no sin against anybody, but that's just a law of business.

(3) Our problem is not just an economic problem. Most of us Indians could probably not qualify for a loan in a white man's market. If we Indians could start off and run a business in a real efficient way and compete with successful white businessmen, we would not be needing special help and would not be in a fix we are in. Up to now, the Extension Division hasn't had much chance to really teach and work with us because they have been stuck with bill collecting and running a credit business. State people probably mean well and would want to help us but without understanding Indian problems and without experience about our problems, they are not going to be able to do the job. We do not want to lose our Extension Division now just when we really need some full-time guidance.

(4) With the land situation the way it is, it is almost impossible to build up an economic unit that you can have and be sure of. We will not have the money to set up a kind of land consolidation program that is needed. There is serious need for a fund to buy up fractional interests and sell back units with full title to farmers and stockmen. But that title should be trust title; otherwise, without the credit and finances, it will be just a roundabout way to lose the land we do have to use.

(5) There are a lot of people who just can't be farmers and stockmen and some that don't want to be. They see us getting to use their money in a program while they do not have anything like that, and it makes the situation so bad that it won't work out. We don't want to use their money that way. There is a real need for some small industry of some kind for these people to work at. They need a chance to learn too, and you can't learn anything unless you have a chance to do something.

(6) As far as this withdrawal program goes, there are some Indians that are making their way and they are taking care of themselves. The Bureau doesn't give them anything. If they get sick, they pay their own hospital bills. That's the only kind of withdrawal that really means something. There's no way to withdraw from being poor and needing help. If we get the chance to get on our own feet, we will already be withdrawn and there won't be anybody getting special services from the Bureau anymore.

Therefore, after thinking over the situation, we would like to submit the following eight points for your consideration:

1. We need to have enough money in our credit program to be able to make it go according to the findings of the North Dakota Agricultural College.

2. The people should get their money in a per capita payment. We need to have the credit program money and cattle loaned directly to us stockmen so that we could all work together and make a success of this thing.

3. We need to keep our Extension Division because we need a lot of help yet and they are the ones who can give it to us.

4. We need to have some money put into a land program by the Government to buy up undivided interests and sell back units with trust title. This would be no loss to anybody.

5. We need some kind of small industry on or near the reservation so that the people who cannot be farmers or stockmen can make a living without having to ask for relief.

6. The kind of withdrawal program that will really work is where we are on our own feet making our way and won't need any special services.

7. We desperately need to have clinics in the far segments so that sick people and emergency patients won't have to make a 200-mile round trip for an examination.

8. We desperately need good education for our children and high-school facilities on the reservation, and with a credit program so that our children can get big enough educational loans to get all the way through vocational school or college, and not just half way.

Mr. Commissioner, we, the Fort Berthold Stockmen's Association, respectfully ask for a statement from you on these eight points.

B. J. YOUNG BIRD,
President, Stockmen's Association.

Mr. CHUMBRIS. Now, would you please explain what was done to these recommendations? Were they followed up?

Mr. YOUNG BIRD. As yet that is one thing that we would like to ask this investigating committee, to have them give us an answer to that; to have the Commissioner give us an answer to those through our area office so that we will know as to what steps we will be expecting.

Mr. CHUMBRIS. Have you received a reply as yet from the Commissioner on these recommendations?

Mr. YOUNG BIRD. No, sir; I have not.

Mr. CHUMBRIS. And they were sent out on the 16th of September 1954?

Mr. YOUNG BIRD. I handed him a copy myself on that day.

Mr. CHUMBRIS. Have these recommendations been submitted to your tribal council?

Mr. YOUNG BIRD. Not as yet.

Mr. CHUMBRIS. Not as yet?

Do you intend to submit these recommendations?

Mr. YOUNG BIRD. We intend to submit those through the council. The whole council was present at the time Commissioner Emmons was present when I presented those to him. I read them off and I went through them one at a time and then presented them to Emmons, and they were all present.

Mr. CHUMBRIS. Now, in your conference with me the other day when we were going over problems that the Indians on this reservation had, you were stating something about the 6-year period which you would like to see enlarged to about 30 years.

Would you explain to the subcommittee what you intend to have the subcommittee take up with the Congress on that point?

Mr. YOUNG BIRD. The loan program is limited to 6 years. In 6 years' time you are supposed to pay out. That is quite short compared to the FHA and all the other loaning systems that we know of.

The housing program, a lot of housing we have to take up in the line of agriculture. We have to build our new sheds. We have to maintain good fences. We have to have a lot of things that we have to have which we cannot get in that short length of time, enough money to pay back in that short length of time.

The time is too short. You can't make a loan of \$25,000, or \$10,000, or \$15,000, and expect to pay back within 6 years.

Chairman LANGER. On cattle? You could on hogs, but not on cattle?

Mr. YOUNG BIRD. Well, the hogs will probably be the stable way because of the fact that, as I told you, the conditions of North Dakota do not permit to expect a good feed. You have to have a good bunch of feed before you can expect to go into hogs.

Chairman LANGER. Of course, in cattle it takes 3 years to raise a steer.

Mr. YOUNG BIRD. That is right, 3 years to raise a steer.

Chairman LANGER. On hogs there would be a quicker turnover. I just interjected that.

Go right ahead.

Mr. YOUNG BIRD. In cattle when you once get the proper amount of foundation herd, you have it made.

In your hogs, it is pretty near year to year.

Chairman LANGER. Just forget about the hogs.

Mr. YOUNG BIRD. O. K.

I will go on with the stock. I think that would be the only way, is to give us a longer period, a 30-year period on these loaning systems where we have to enlarge our pastures.

I have something here that the Interior Department went over very thoroughly. We work with them and this was canvassed, in five different district meetings in the reservation by the Interior Department, and this was presented in Congress with all the stuff in the asking for enough money to go on ahead with it, which was \$14 million.

That fell through. They refused to have our counselor from the Interior Department answer different questions. They would ask him one question here, "What about this question?"

Before he started answering that they would ask him another question.

To me sitting there looking at it—I am not an intelligent man. I am just one of the very commonest. My education is very limited, but any man with commonsense would see that this committee was not there to help, to give the money to the Interior Department, so they in turn will take care of the needy Indians over here, what we are expecting it for.

That is what I mean.

Now, our good Senator here was busy at the time. He was there with us for a short time and he left for New York, which was urgent business. You probably remember that.

On those hearings we had a very, very poor reception from the Congress.

Mr. CHUMBRIS. Mr. Young Bird, were you in the audience when there were questions asked and answers made to this group behind this table here of the visitors here to the subcommittee, men from the Federal offices, from the States offices, from the county offices, from the Indian Bureau? Were you here when that discussion was going on?

Mr. YOUNG BIRD. This morning?

Mr. CHUMBRIS. Yes, sir.

Mr. YOUNG BIRD. No, sir; I came in just about 5 minutes before you called me.

Mr. CHUMBRIS. Were you here when Mr. Landbloom from the Aberdeen office was explaining the type of recommendations that could take care of the problems of the stockmen? Were you here then?

Mr. YOUNG BIRD. No; I was not here.

Mr. CHUMBRIS. I was wondering if you heard that.

Mr. YOUNG BIRD. Did Mr. Landbloom feel that this is the thing that the stock association wants? This is the thing that we feel that will pull the stock association through. This is one of the recommendations that we are trying to get lined up on. Get into this, and I think that we will—

Mr. CHUMBRIS. On these recommendations that you have submitted here in evidence at this hearing, do you have any other recommendations that you would like to make at this time?

Mr. YOUNG BIRD. The recommendation of the \$62 payment is one that I would like to bring up. Has that been brought up?

Chairman LANGER. Let us adjourn for lunch. You will be back on the witness stand when we reconvene.

Suppose we adjourn until a quarter to two.

(Thereupon, at 12:35 p. m., the subcommittee was recessed, to reconvene at 1:45 p. m., same day.)

AFTERNOON SESSION

The subcommittee reconvened at 1:45 p. m., upon the expiration of the recess.

Chairman LANGER. The meeting will come to order.

We had a witness on the witness stand.

Mr. Young Bird.

Mr. MONTCLAIR. Mr. Chairman, I would like to say a few words.

Chairman LANGER. We will hear you when Mr. Young Bird leaves the stand. We will give you a chance to testify.

TESTIMONY OF BENJAMIN J. YOUNG BIRD—Resumed

Chairman LANGER. You may proceed.

Mr. CHUMBRIS. Mr. Young Bird, before we adjourned for lunch you were referring to a \$62 payment.

Mr. YOUNG BIRD. Sixty-two dollars as recommendation from the stock association to pay our cattle.

Mr. CHUMBRIS. Would you like to continue?

Chairman LANGER. There is no hurry. Take your time, Mr. Young Bird.

Mr. YOUNG BIRD. We had a resolution from the board of directors of the stockmen's association presented to our tribal council. The \$62 payment is the payment from the stock association. Either you can pay in kind or in cash the amount of cattle that you get.

This was the resolution.

Chairman LANGER. You can file those. You may summarize them and tell us what they are.

Mr. YOUNG BIRD. We would like to keep those in our files.

Chairman LANGER. The reporter will give you a receipt and return them to you by registered mail.

Mr. YOUNG BIRD. The \$62 payment was the stock association to pay the tribe the \$62.

As a whole the tribe borrows from the Government. The stock association doesn't borrow direct from the Government. The tribe as a whole borrows from the Government and that is the payment due to from the tribe to the Government, and that was our request.

We made that request, but the council came back and said they would rather that the stock association members pay \$8 per head. They felt that there was some expenses connected to that.

We argued the point out, the fact that the stock association was paying a unit consisting of 10 yearling heifers and the stock association is paying 1 extra, meaning that if you get 10 heifers you pay back 11 head.

Cash loans are 5 percent interest and we have a sales tax of 2 percent to the members which is the association's working funds.

That was our request.

As I understand the chairman of the council was asked on that particular point just before I came in. That is one.

Chairman LANGER. The document will be marked as exhibit No. 13, and inserted in the record at this point.

(The document referred to was marked "Exhibit No. 13," and reads as follows:)

RESOLUTION OF THE BOARD OF DIRECTORS OF THE FORT BERTHOLD STOCKMEN'S ASSOCIATION

FEBRUARY 15, 1954.

Whereas this association is organized to operate as a cooperative association for economic purposes under the Three Affiliated Tribes of the Fort Berthold Reservation and under its articles of association and bylaws, as approved by the tribes and the Commissioner of Indian Affairs, wishes to express a desire of its members: Now, therefore, be it

Resolved, The price of \$62 per head, the price that was settled as fair and just between the Three Affiliated Tribes and the United States Government, on a conversion basis be granted all repayment cattle loan clients; and be it further

Resolved, That all repayment cattle loan clients be given the option of converting their present repayable "in kind" contracts to a cash basis. The conversion price to be \$62 per head.

CERTIFICATION

I, the undersigned, as president of the Fort Berthold Stockmen's Association, hereby certify that the board of directors is composed of 8 members, of whom 7, constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened, and held, on the 15th day of February 1954; that the foregoing resolution was duly adopted by the affirmative vote of 6 members, and that the said resolution has not been rescinded or amended in any way.

Date: 15th day of February 1954.

B. J. YOUNG BIRD,
President, Fort Berthold Stockmen's Association.

Attested:

KENNETH FREDERICKS,
Secretary-Treasurer.

Mr. YOUNG BIRD. The next one is a resolution from the Fort Berthold Stockmen's Association presented to the tribal council for the full handling of the stockmen's association to be transferred over to the stock association by the council.

The reason for that was it was made a political football of our stock association. Loans and such was pretty much deprived. Payments were hard.

The fact that we had some pretty tough winters made our crops not much good and that is why we felt that this association, they know its members, the association would have its own board to determine who is eligible and who is not eligible; who is participating directly in that other than people who are not interested in stock.

That was the one I gave you.

Chairman LANGER. This next document will be marked "Exhibit No. 14" and inserted in the record at this point.

(The document referred to was marked "Exhibit No. 14" and reads as follows:)

RESOLUTION OF THE FORT BERTHOLD STOCKMEN'S ASSOCIATION

Be it hereby resolved by the Fort Berthold Stockmen's Association, That it recommends to the tribal business council to transfer the responsibilities and the administration of the tribal revolving credit fund and repayment cattle program over to the Fort Berthold Stockmen's Association.

CERTIFICATION

I, the undersigned, as acting secretary of the Fort Berthold Stockmen's Association, hereby certify that the Fort Berthold Stockmen's Association is composed of 92 members, of whom any member attending the meeting constitutes a quorum. Quorum being present at a meeting thereof duly and regularly called, notice, convened, and held, this 8th day of June 1953; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 7 members; none opposed, 2 abstentions, and the chairman not voting, and that said resolution has not been rescinded or amended in any way.

Dated this 8th day of June 1953.

CARL WHITMAN,
Acting Secretary, Fort Berthold Stockmen's Association.

Mr. YOUNG BIRD. This is a resolution on the delinquent status of the stockmen for failures of crops and asking for extensions of time, extensions overall, so that the men would be able to pay back other than to be declared delinquent and to be foreclosed on, to give them a chance to pay.

I think it was covered by Mr. Cross.

One of them has been deprived of the fact by the Interior Department.

Chairman LANGER. The next resolution will be marked "Exhibit No. 15" and inserted in the record at this point.

(The document referred to was marked "Exhibit No. 15" and reads as follows:)

RESOLUTION OF THE BOARD OF DIRECTORS OF THE FORT BERTHOLD STOCKMEN'S
ASSOCIATION

FEBRUARY 15, 1954.

Whereas this association is organized to operate as a cooperative association for economic purposes under the Three Affiliated Tribes of the Fort Berthold Reservation and under its articles of association and bylaws, as approved by the tribes and the Commissioner of Indian Affairs, wishes to make known the desires of its members: Now, therefore, be it

Resolved, That the credit committee give very close analysis of all repayment cattle clients that are now in a delinquent status and that any justifiable cases be given an extension and where foreclosures are necessary, they be given until fall when the cattle are in good flesh and prices are right to sell; be it further

Resolved, That in view of the crop failures of the past 2 years and the drastic reduction in beef prices, even more consideration should be placed on the individual's operations. Their adherence to past repayment schedules should be given due consideration rather than the fact that they are now delinquent.

CERTIFICATION

I, the undersigned, as president of the Fort Berthold Stockmen's Association, hereby certify that the board of directors is composed of 8 members, of whom 7, constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened, and held, on the 15th day of February 1954, that the foregoing resolution was duly adopted by the affirmative vote of 6 members, and that the said resolution has not been rescinded or amended in any way.

Date: 15th day of February 1954.

B. J. YOUNG BIRD,
President, Fort Berthold Stockmen's Association.

Attest:

KENNETH FREDERICKS,
Secretary-Treasurer.

Mr. YOUNG BIRD. Here is another resolution presented by the stockmen's association to the council asking that the stockmen's association in its semiannual meeting in June pass this resolution asking the tribal council that the North Dakota Agricultural College findings be used as the basis for setting up Indians as we have stated a while ago.

Chairman LANGER. That document will be marked "Exhibit No. 16," and made a part of the record at this point.

(The document referred to was marked "Exhibit No. 16," and reads as follows:)

RESOLUTION OF THE FORT BERTHOLD STOCKMEN'S ASSOCIATION

Be it hereby resolved by the Fort Berthold Stockmen's Association in its semi-annual meeting, To recommend to the tribal business council that the North Dakota Agricultural College findings be used as the basis for setting up Indians; be it further

Resolved by the Fort Berthold Stockmen's Association, That it recommends to the tribal business council that all existing loan contracts be reprocessed by either refinancing or rescheduling the annual payments.

CERTIFICATION

I, the undersigned, as acting secretary of the Fort Berthold Stockmen's Association, hereby certify that the Fort Berthold Stockmen's Association is composed of 92 members, of whom any number attending the meeting constitutes a quorum. Quorum being present at a meeting thereof duly and regularly called, notice, con-

vened, and held this 8th day of June 1953; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 7 members; none opposed, 2 abstentions, and the chairman not voting; and that said resolution has not been rescinded or amended in any way.

Dated this 8th day of June 1953.

CARL WHITMAN,

Acting Secretary, Fort Berthold Stockmen's Association.

Mr. YOUNG BIRD. Those are the resolutions that we have in that. I think you have a copy of the findings of the North Dakota Agriculture.

Mr. CHUMBRIS. We wish to have that submitted.

Chairman LANGER. Do you have an extra one for the record?

Mr. YOUNG BIRD. Yes; I have an extra one.

(The document referred to was marked "Exhibit No. 17," and filed for the record.)

Mr. YOUNG BIRD. The reason for most of our downfall insofar as the stockmen's association is concerned is the fact that the things we have to buy are quite high. Our beef that we have to ship are down. We don't get much for them and the overhead is quite high. We can't meet overheads with 30 head of cattle, or 50 head of cattle.

That is why the stockmen's association recommendation to the area office and to the Washington office was to build up a man with 25 acres per cow running 100 to 150 cows and sufficient amount of land to run those.

Everything in proportion is high. Our leases are high. Our payments have been failing for the last couple of years on those grounds that we are not sufficiently set up and, gentlemen, we don't blame the Interior Department for the fact that they don't have the appropriation. The appropriations are handled by the Senate, our Congress, our men, our Representatives, our Senators from North Dakota have been very faithful. They have been with us to fight for these, but, as I stated, when men come in, when we come in for something sound and you have men from our own tribes coming into Congress with three-hundred-some-odd names stating that they don't want this kind of stuff, they want a full per capita payment, disbursement of everything, the Public Law 437 states that 501 to 525 is insufficient and then the seven and a half will take up from there to relocate these Indians.

We have explained that time and time again, but we are all human.

When they say, "Well, get that money, that is your money," that is what they fall for and that is why most all our programs are not materializing.

They fall on that line. We don't blame the people. The stock association don't blame the people if they are misled, misinterpreted.

It is their money. Very few of us participate in this cattle industry. The parties that own the biggest share, some are children and some are old people and what not.

That is one reason that we ask this committee to take this cattle outfit out of the political football and set us up where we can go on with our own program.

Chairman LANGER. Do you mean, take that away from the tribal council?

Mr. YOUNG BIRD. Yes, sir; set it up by ourselves.

Irregardless of who gets on we still are using each individual's share of the money in this cattle industry in borrowing money.

The ones that own the money have every right to protest if the Congress of the United States appropriate money. Have an individual by ourselves.

Then we will be taken out of the political football. Every year everything has been worked out from the time of election. You will find the hearings where each—

Mr. CHUMBRIS. He is referring to House Joint Resolution No. 33, Fort Berthold Indian Reservation, N. Dak., hearings before the Subcommittee on Indian Affairs of the Committee on Public Lands, House of Representatives, 81st Congress.

Mr. YOUNG BIRD. The time limit, as I stated, have 6 years for any loan regardless of whether he is white or not, that is immaterial. That is too short.

We found that throughout Kansas and North Dakota. We have cattlemen sitting among us here. We have got some bit farmers who this year only got 5 bushels of wheat and some of them are losing \$5,000, \$3,000.

When we do that, we Indian operators, we have no more place to go back to get reset and start over again. We don't have the expense money.

They have other sources to go to. That is why they are still operating.

On the cattle industry we want an answer from our Commissioner Emmons on this eight points, and we would like to ask the committee to help us in every way to set us on our feet again so that we will be over our debts, pay our debts.

We don't aim to run away from our debts, but we just don't have the money to pay for them.

I think, as I stated a while ago, that covers a good deal of your juvenile delinquents where a good home and plenty to do, to keep them home where they can help you, has a lot of bearing.

Mr. CHUMBRIS. You stated earlier that you made an investigation of juvenile delinquency and training.

Mr. YOUNG BIRD. In the conference with you, yes, quite a little. I was an officer in our reservation quite a while back. I worked in his office when our good Senator was governor of North Dakota.

He sent me out on those and we covered a lot of those bordering the reservations.

Mr. CHUMBRIS. From the time that you are referring to when Senator Langer was governor up to the present time, have you noted where there has been any change in the picture of delinquency among the youth here on the reservation?

Mr. YOUNG BIRD. Yes.

Mr. CHUMBRIS. In what respect?

Mr. YOUNG BIRD. It is more rougher, I would say.

Mr. CHUMBRIS. In other words, you think there is a greater degree of delinquency today?

Mr. YOUNG BIRD. Yes; I think it is.

Mr. CHUMBRIS. Could you estimate the percentage of increase? Would you say 50 percent or 20 percent?

Mr. YOUNG BIRD. I would say about 60 percent.

Mr. CHUMBRIS. About 60 percent?

Mr. YOUNG BIRD. Yes.

Mr. CHUMBRIS. Then if you had a hundred delinquents a year, you would say it would amount to about 160 today; is that right?

Mr. YOUNG BIRD. That is right.

Mr. CHUMBRIS. Can you be specific, other than the facts as you have stated, as to the cause for that delinquency?

Mr. YOUNG BIRD. Yes. The cause of the delinquency, I would say, covers the majority of the percentage of 60, there is due to the breaking up of homes.

Mr. CHUMBRIS. Broken homes.

Mr. YOUNG BIRD. Broken homes.

Mr. CHUMBRIS. Poverty.

Mr. YOUNG BIRD. Poverty.

Mr. CHUMBRIS. Living conditions on the reservation?

Mr. YOUNG BIRD. Living conditions are very bad on the reservation.

Mr. CHUMBRIS. How about the leisure time?

Mr. YOUNG BIRD. They have too much leisure time, as I stated a while ago. If they had some milk cows, if they had some things to take care of at home, a lot of those would be taken care of.

Mr. CHUMBRIS. If someone were to give you the privilege, with all of the money and privileges to cure the problem on the reservation, what would you recommend to be done?

Mr. YOUNG BIRD. Housing conditions, one, and some recreation, good recreation, and some factory or something within the bounds of the reservation, or in the reservation or out close by, where they can go out and work.

Mr. CHUMBRIS. Do they have workshops and things like that here on the reservation to help the youth?

Mr. YOUNG BIRD. No; I don't know of any. They have some set up now. I don't know. Mr. Shane might answer that question.

Mr. CHUMBRIS. How about your athletic events and things like that? Do you have much of that here on the reservation, or are they just general sports, such as fishing and hunting, or whatever you have?

Mr. YOUNG BIRD. We have hunting, but not much fishing. We lost our gymnasium.

Mr. CHUMBRIS. What do you mean, you lost your gymnasium?

Mr. YOUNG BIRD. Out of the Garrison flood.

Mr. CHUMBRIS. And it has not been rebuilt?

Mr. YOUNG BIRD. It is now being rebuilt on the eastern segment and different segments. I think some got some and some didn't.

Mr. CHUMBRIS. I see you have a beautiful new school over here with a large auditorium.

Mr. YOUNG BIRD. Eastern segment. There are different segments now.

Mr. CHUMBRIS. Here at New Town?

Mr. YOUNG BIRD. I am not familiar with New Town. I am from the eastern end.

Mr. MILLS. I understand that temporarily the tribal court is being held at your home; is that right?

Mr. YOUNG BIRD. Yes; at our old home.

Mr. MILLS. I see. What has been the nature of the delinquency here? What have they been doing?

Mr. YOUNG BIRD. Carousing around, drinking. There is a considerable lot of that. The breaking up of homes, a good deal, the parents. I would say that they participate in the drinking. No discipline.

Mr. MILLS. Children have been getting drunk?

Mr. YOUNG BIRD. That is right.

Mr. MILLS. Is there much illegitimacy?

Mr. YOUNG BIRD. There is quite a lot of illegitimacy here in the last few years.

Mr. CHUMBRIS. On this question of illegitimacy, would you say this is a true reflection? We have a schedule here which was introduced in evidence which shows that of the total population on Fort Berthold Reservation there were 108 cases of illegitimate births for a year period.

Mr. YOUNG BIRD. Yes; I think that is correct.

Mr. CHUMBRIS. Now, that is of the total residents; 108 was the total resident birth and 21 were illegitimate, making a percentage of 19.4 percent.

Does that sound like a correct figure?

Mr. YOUNG BIRD. That sounds like a correct figure, yes.

Mr. CHUMBRIS. What would you say was the cause of that?

Mr. YOUNG BIRD. I said the home conditions and not much supervision insofar as the parent is concerned.

Mr. CHUMBRIS. What effect does law and order have on that condition?

Mr. YOUNG BIRD. Very little. The fact that law and order is responsible to the council is one of the major things.

Mr. CHUMBRIS. Well, I don't think you understood my question. I said what effect has law and order on these illegitimacies and you said no effect, and then I think with your other statement you indicate there may be ineffective law and order here on the reservation; is that right?

Mr. YOUNG BIRD. That is right.

Mr. CHUMBRIS. And then ineffective law and order has some bearing on the illegitimacy question, has it?

Mr. YOUNG BIRD. Very little.

Mr. CHUMBRIS. Do you understand my question?

Mr. MILLS. Would you explain what you mean by your answer?

Mr. YOUNG BIRD. There are quite a lot of illegitimate children who have been born, and the parents have left them continuously at homes. They neglected them.

Those things have been called to the attention of the law and also that the parents that see those things there is nothing done about it.

That is what I mean.

Mr. CHUMBRIS. Then the ineffective, which means not effective law and order, does have a material burden on the illegitimacy rate.

Mr. YOUNG BIRD. I will put it that way; that is right.

Mr. CHUMBRIS. Is there anything done to determine who the parents of those illegitimate children are here on the reservation. Is any action taken?

Mr. YOUNG BIRD. I wouldn't know that.

Mr. CHUMBRIS. That is not within your knowledge?

Mr. YOUNG BIRD. No, sir.

Mr. MILLS. Are you on the tribal council?

Mr. YOUNG BIRD. No, sir.

Mr. CHUMBRIS. You have served previously on the tribal council?

Mr. YOUNG BIRD. Yes.

Mr. CHUMBRIS. For how many years?

Mr. YOUNG BIRD. Four years.

Mr. MILLS. Who here in the reservation would know what is wrong with the law and order enforcement on this reservation?

Mr. YOUNG BIRD. I would think the man who would know who is responsible for this reservation actually would be the superintendent.

Mr. CHUMBRIS. I have no further questions.

Mr. MAXWELL. What programs do you have for the kids? Do you have the Boy Scouts?

Chairman LANGER. Do you know, Mr. Maxwell, the United States attorney?

Mr. YOUNG BIRD. No, I know Harry Loscowitz well.

Mr. MAXWELL. Do you have any Boy Scout troops, or Camp Fire Girls?

Mr. YOUNG BIRD. We have organized some Boy Scouts last year, I think. I am not familiar with those things. I think Mr. Case if he is in the audience, would be the one.

Mr. MAXWELL. Do you know if they have the Future Farmers, or 4-H program?

Mr. YOUNG BIRD. They started 4-H this summer.

Mr. MAXWELL. Do you think those programs are helpful?

Mr. YOUNG BIRD. They are very helpful, yes. Anything that the child's mind is occupied, where he can do something, is 100 percent helpful.

Mr. MAXWELL. Some of the adults and leaders of the people here could provide those programs for the children.

Mr. YOUNG BIRD. That is right.

Mr. MAXWELL. It is a community responsibility.

Mr. YOUNG BIRD. That is right. That should be a community responsibility other than taking it as a whole. The community takes a step. Our law enforcement here is very, very short. We have only 1 or 2 men to cover the entire reservation, and they can't be all over it at one time.

That is where most of our downfall is. We don't have them. There are times now if you men would go out to see these homes I am speaking of, a woman running out with another man and leaving her kids with nothing to eat and your illegitimate children comes about where this welfare check comes in, or ADC. The more children they have the bigger check they get.

Chairman LANGER. You mean illegitimate children?

Mr. YOUNG BIRD. That is right, and it is no fault of the poor children. The parents that brought them into this, a woman should be prosecuted just as well as a man. When you prosecute a man and let a woman go, she can go out here in 10 seconds and pick up a man.

Mr. MILLS. Are either of them prosecuted here?

Mr. YOUNG BIRD. Not that I know of.

Mr. BUEHLER. What action does your trial court take on these?

Mr. YOUNG BIRD. No action that I know of. If a tribal court judge has one of your tribal council members for violation of some of those things that I am speaking of now, drinking and what not, carousing around, whatever it is, he will be automatically discharged. That has

happened. There is a man sitting in here who has been discharged for that particular thing. That alone we are trying to face out that we get our judge appointed the same as your council, not elected by the council. Then he will have something to go on. And if I was a councilman and stepped out of the traces, he could put me in jail without any fear of losing his job. That is one of the evils that should be remedied.

Mr. CHUMBRIS. Any further questions?

Chairman LANGER. Mr. Jakes, any questions?

Mr. JAKES. No questions.

Chairman LANGER. What about taxes in the county?

Mr. YOUNG BIRD. In referring to what kind of taxes?

Chairman LANGER. Any kind of tax—hunting tax, fishing tax, sales tax, tax on land.

Mr. YOUNG BIRD. The Indians pay a considerable lot of taxes in the reservation, not the real estate, but your gas tax, whatever we buy on that line we all pay that tax. As far as real estate taxes are concerned, we are not in shape. Until a man is in shape, walks up and asks for his competency and efficiency that he could pay out then none other than that time should he be given his full rights.

Chairman LANGER. Does not your treaty exempt you from paying taxes?

Mr. YOUNG BIRD. The treaty of 1851, I never found it in that. I never found it in the treaty of 1851. It says leave the Indians alone, I think, as long as the river flows a certain way and as long as the sun is shining.

We have been molested since that time, time and time again. So the treaties didn't hold out.

Chairman LANGER. Have you read over that treaty lately?

Mr. YOUNG BIRD. Not lately, Senator. I had it in my files at home, but I didn't bring it along. I have our good friend Burdick's statement here concerning Indian problems.

Mr. CHUMBRIS. Would you like to submit it as an exhibit? Would you like to have this submitted as an exhibit?

Mr. YOUNG BIRD. Yes.

Mr. CHUMBRIS. Thank you very much, Mr. Young Bird.

Chairman LANGER. The extract from the Congressional Record of April 25, 1951, will be made part of the record.

(The information referred to was marked "Exhibit No. 18," and reads as follows:)

[Extract from Congressional Record of debate on April 25, 1951]

EXHIBIT No. 18

BURDICK IN CONGRESS DEBATE OPPOSES APPROPRIATIONS CUT WHICH WOULD DEPRIVE INDIANS OF NEEDED SERVICES

Mr. BURDICK. Mr. Chairman, I venture to say I know something about this Indian question, for I was raised with them and have lived with them for 70 years—the wildest Indians on the American Continent. The purpose of the Bureau, as I understand now, is to civilize the Indian and make him a part of the general population. We have discovered that you can get rid of the Indian Bureau, if that is what you object to, just as fast as you prepare these Indians to sustain themselves. We have tried that out in North Dakota. This Congress, fortunately, has appropriated money to allow these Indians to restock their land with cattle. Out of 64 examples of that kind, of the Government giving the Indians cattle superintended by the Indians themselves, there have been only

2 failures, and no losses on those failures, because the Indian inspectors saw the Indians would not take care of their cattle and took the cattle away from them before there was any loss. That is a great investment for the Government and a better investment for the Indian, because I know a lot of Indians out there who have some self-respect now; they do not owe anything; they own their herd of cattle, and they are sending their children to school just like the rest of the people, and they are honorable citizens. If that is the way it can be done, this Congress ought to remember that what will apply to one tribe might apply to another.

In another county in North Dakota we decided to try the matter of the administration of justice and keep the Federal Government out. An act was passed in Congress giving that county jurisdiction, criminal and civil, over the Indians if accepted by the county. One county accepted it, and they have got along all right in the administration of justice. But you see the unfairness of it, because over half of that reservation is not taxed; the Government still owns the land in fee for the Indians; it is not taxed. Hence, in that county the rest of the taxpayers are paying the expense of the administration of justice over all of the county. If this Congress in its wisdom in cases like that would provide that wherever there is a large holding of Indian lands in many counties like in my State where some of the counties are probably 20 percent Indian lands untaxed, if those counties would be allowed, in lieu of these taxes, compensation from the Government, you would have no more problem about the administration of justice, school administration, or any other administration that the State or the National Government affords the people of North Dakota in general.

You can work this out, and the reason why some of you are mad at the Indian Commissioner is because of the system. At one time I was mad at an Indian Commissioner years ago, wanted to get rid of him; and they got another one, and he was worse than the first one. Now, then, get rid of this one and you will have another who is worse. It is the system you are driving at, not the man. It is the responsibility of this Congress. Who is it that keeps this system in operation today? It is the Congress. You do not give the Indians a chance to get out from under it. The only thing they have is the present system.

I do not know who is responsible for all of the scalawagging that has been handed the Indians in the last 150 years, but I do know it was not the lawyers of North Dakota who did it. I do know that the Turtle Mountain Indians in my State owned one-fourth of North Dakota and they owned it since 1783, but the Congress maneuvered this land away from them by purported treaties, allowing them 10 cents per acre.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. SHORT. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri? (There was no objection.)

Mr. BURDICK. Mr. Chairman, I appreciate the support of the gentleman from Missouri. I was about to say something about him, but I shall not do so now.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Iowa.

Mr. JENSEN. I think the Members of the House would be interested in having the gentleman, who has the greatest knowledge of Indians and the history of the Indians of any man in America and who can speak the Indian sign language, take about a minute to explain the Indian sign language. Maybe we could go out among these Indians, and they would appreciate us a little bit more. I know when the gentleman goes out among the Indians they have a great time, and he helps the Indians a lot. I would like to ask the gentleman what is the name the Indians baptized him? Or did they baptize the gentleman?

Mr. BURDICK. No.

Mr. JENSEN. What is the gentleman's Indian name?

Mr. BURDICK. The Indians have always had too much respect for me to make me a chief of their tribe. They only do that with the sucker who gives them some money.

Mr. JENSEN. I would like to have the gentleman give us the philosophy of an Indian. The gentleman knows exactly how the Indians feel about the Government of the United States.

Mr. BURDICK. I could give you an illustration. I want to tell you about the Indians and the Indian Bureau. I asked an Indian at a meeting one time to tell me his view of the Indian Bureau. He said, "I will tell you what it is." He was talking the Sioux language.

He said, "I can demonstrate it to you. Another Indian and myself were traveling along the road one day and I saw a coconut fall off a wagon. I said, 'What is that?' The other Indian picked it up. I said, 'Give it to me. I saw it first.' 'No,' he said, 'I got it first.' So we, the two Indians, began fighting and a white man came along. He said to the Indians: 'You should not fight. Let me settle it for you. If I decide it will you accept it?' We said 'Yes.'"

They would rather do that than have a fight. So he said, "The white man took the coconut, bored a hole in it first, drank the milk out of it; then he cut the coconut in two and took the meat out, and gave one Indian half of the shell and the other one the other half of the shell. Now, he said, 'I have settled that for you.'"

The Indian told me, "That is the way the Indian Bureau does. They get all the meat and all the milk and we get the shell." That is the Indians' view.

In the Turtle Mountain region that I was talking about when you interfered with me, they owned one-quarter of the State of North Dakota, and by successive treaties, which were never agreed to by the Indians, they have 9,000 Indians now backed up on two of the poorest townships of land in the State of North Dakota. Just think of 9,000 Indians on two townships of stony land when they once owned the whole territory. The Government claims they bought it for 10 cents an acre, but the Indians never signed the treaty at all and that case is now pending before the Court of Claims. I just want to show you that there are some Indians ready for self-government, and some are not. There are some Indians ready to be released, and I think the Sioux Indians of my State are ready because they have demonstrated that they can be self-supporting. Many of them have held offices. We have had sheriffs and other county officials who were Indians. If this Congress wants to help the Indians, make them appropriations so they can help themselves.

If you cut this appropriation you are not getting rid of the Indian Bureau but that cut will fall to the loss of some important service necessary for their becoming independent and successful citizens.

It would be a severe blow if the cutting of this appropriation would in any way interfere with the educational and health programs. Education is the answer to the whole Indian question. That includes manual training and preparation for individual freedom. There is nothing that is more dignified in this world than the ownership of property and the sense of responsibility as a citizen.

The Indians of the United States have made a great contribution to our frequent war efforts, and if we can send them forth to war we ought to be willing to send them forth as able, dignified citizens and prepare them to take their place among the diversity of nationalities making up this great Republic of freedom.

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

Mr. CHUMRBIS. Mr. Cross, are you ready now?

Mr. CROSS. Yes.

TESTIMONY OF MARTIN T. CROSS, CHAIRMAN, TRIBAL COUNCIL, FORT BERTHOLD RESERVATION, NEW TOWN, N. DAK.—Resumed

Mr. CHUMRBIS. Mr. Cross, will you continue with your testimony that you started this morning?

You stated you wanted to have a little time to confer with Mr. Landbloom. Are you ready to report whatever findings that you have made during the course of that meeting that you had with Mr. Landbloom?

Mr. CROSS. Yes, sir, Mr. Chairman.

First of all, I want to correct a shot in the dark I made here. I said that it might be about 300 loans that we have made. I wish to correct that and state that there are 699 loans. The total amount of money involved in that is \$784,551.

Mr. CHUMRBIS. \$784,551?

Mr. CROSS. That is correct.

I would like to state a few facts in the matter of delinquent loans. We have a quarterly report here prepared by our extension department and these reports are submitted to the area office at the quarter period ending June 30. This is August 30. Some of the report that I would like to submit to the subcommittee here for a record is a copy of this quarterly report which shows the amount of delinquency that that individual has. It will show that our loan clients are very delinquent in some of their program.

Now, what I want to do, Mr. Chairman, is that we in discussion, Mr. Landbloom and I, feel that we have no objection to have this association of this livestock association; they can go into business, forming their own credit and loan association under some plan whereby the FHA could underwrite their debts.

The tribe under this program that we have has a first mortgage on their property. We would have to work out a waiver. The tribe would have to waive their indebtedness to us over to FHA.

We haven't been able to fathom such a transfer at the moment. Mr. Landbloom and I can't figure out a way to do that. But because of the shortness of time, we think it is feasible that if the loan association or stockmen's association would be willing to come to us and tell us how they are going to go about running their own business we will be glad to step out.

Mr. CHUMBRIS. In other words, you would be willing to subordinate whatever mortgage you have to a first mortgage of the Federal Housing Administration; is that correct?

Mr. CROSS. Which I think we would be quite willing to work out a system. At the present setup two men especially, that are talking here, Jim Hall and Ben Young Bird, are in the process of liquidation. They don't have any property to their credit enough to offset what they owe the tribe. I am sure that that is the reason why they have talked to the subcommittee and have come in here with a plan to try and salvage what they have got into some other means of working out their debt.

Mr. CHUMBRIS. Mr. Cross, do you know whether there are other Indians on the reservation who are stockmen who are in a similar position to what they are in?

Mr. CROSS. Yes, sir.

Mr. CHUMBRIS. How many would you say?

Mr. CROSS. Well, first of all, let me clear the council that there was a slight implication made by Mr. Hall that he was turned down because there was a political aspect in consideration of his application. I want to correct that, that that was not correct in saying that because, as far as I am concerned, I don't sit in on any of these loans.

I have a committee. I have a credit committee appointed of five members who consider these loan applications or extensions or whatever it is through across-the-board consideration. They don't use no manuals or two-point program or whatever it is. It is just a good, honest, sensible consideration. They take everything into consideration, whether the man is sincere or inconsistent or whatever it is. All those are taken into consideration.

Mr. CHUMBRIS. Let us assume for the purpose of argument that there are no political implications or any personalities involved, but just on this particular question, how many Indian stockmen are there

who are in the same financial difficulties as the two witnesses who testified?

Mr. CROSS. Well, I am going to let Mr. Landbloom participate in that.

Mr. CHUMBRIS. What we would like to find out is if there are a sufficient number and it creates a sufficient problem that it is the proper subject for the subcommittee to study to see how we can help a small segment of stockmen or whatever the segment is out of their trouble. It is in the sphere of the hearings we are having this afternoon?

Mr. CROSS. Yes.

If I didn't make it clear, I want to make it clear because Mr. Young Bird, under the present plan, we are liquidating him. He don't have anything to refinance. We can't refinance him under no condition because he is in such bad shape that we would have to take what he has got and sort of, what do you call it, bankruptcy act. There are 55 in bad shape.

Mr. CHUMBRIS. Fifty-five. And there are 90 members of the association, as I understand it?

Mr. LANDBLOOM. That is right.

Mr. CHUMBRIS. So 55 of the 90 are in bad financial shape?

Mr. CROSS. That is right.

Now, what I want especially to show the committee is that the stockmen's association have neglected to come to the council to work their plans with the council. I am sure that the council would be willing to hear them out and let them have every assistance that they can, but if they bypass the council, then naturally the council will feel slighted or will not cooperate. I am sure that the Indian office would feel the same way.

Everything is organized in such a way that they have to go through regular channels before they can be recognized.

Mr. CHUMBRIS. May I ask you this: Are these schedules that you have here available as exhibits for our files?

Mr. LANDBLOOM. Copies could be available. They are not at the moment.

Mr. CROSS. I want to make another point clear. We have a pretty poor system of collections. The tribal council have declared default in 15 cases and it was submitted to the superintendent of the Fort Berthold Reservation to process the collection, and so far that I know of none of them has been completed.

Mr. CHUMBRIS. Would you like to explain the procedure of a person, first when he becomes delinquent and then when he is in default, if there is a difference between the two, and then what steps are taken to liquidate?

Mr. CROSS. We are trying to figure that out.

Mr. CHUMBRIS. Do you have it under your rules and regulations?

Mr. CROSS. Under the rules and regulations it is a long process, but we are trying to figure out a shorter cut.

Mr. CHUMBRIS. Do you have a copy of your rules and regulations of the tribal council?

Mr. CROSS. No; the Indian Office has a manual. What we are trying to figure is this: When I went to Washington I talked to Mr. Huber who is the head of the extension office of all of the Indian Office and Mr. White. Now those that got into such a shape that we are doing them more harm than good to keep them on our program,

that is those we felt we should liquidate, in order to do it we have a contract with them and they can either sign a voluntary liquidation, we get them to sign a voluntary liquidation. Then that is good. We can take whatever they have got and sell it or whatever it is, and then we try and get them off our books.

Now, on another deal some of them are pretty hard to deal with. They won't cooperate. In fact, one of them told us across the river, "Now, you will have to go to court to take my stuff."

So whose fault is it? Is it the tribal council, or is it the Indian Office? This program works all right on the collection. Then we bog down.

Mr. CHUMBRIS. Are you through explaining the procedure on that?

Mr. CROSS. Yes.

Mr. CHUMBRIS. Now, have you and Mr. Landbloom come to any specific recommendations as the result of your conferences other than what you have just told us now?

Mr. CROSS. Mr. Landbloom will tell you.

Mr. CHUMBRIS. You are going to let him do the speaking for that?

Mr. CROSS. Yes.

Mr. CHUMBRIS. Would you like to give us the results of that conference?

Mr. LANDBLOOM. Mr. Chairman, I think it was our thought that we would be glad to consider a proposition with the association without a commitment at this time. We would like to see what kind of a plan of operation they could submit and what type of association they would work up, under what authority, and also to consider the assets and obligations that are made a part of that, in other words, to see what it looks like before we would say that we would be willing to accept it.

We do have a loan here with the tribe and the Government has the security of the tribe behind that loan. If you shifted it to the association you would have the security of the association members, and we want to know what that is at the moment.

I think there were several of us present at the credit committee at noon, and they appeared to be interested in the direct loan program that we discussed this morning. They felt that if FHA could provide the finance, could relax their standards a little bit, I believe that they would be in favor of that because the contract would be between the Government and the individual. You would know where the responsibility was. You would know who was making the collections and who was making the payment.

I think we can tell that they do have difficulties in this present setup because it is kind of a joint endeavor between the Government and the tribal council and the credit committees, and one is kind of bound on the other. And the committee has to take some action before we come in; and there is a question, too, to what extent we want to interfere in their program because this is their endeavor and it is part of the educational program which has been carried on for a number of years here on the reservation.

Mr. CHUMBRIS. Let me ask you this: You stated that you want to find out what they have to offer and how they are going to organize and this and that. Have you any method within your agency to help

them along this line because they may be fully inexperienced to meet the necessary qualifications that you have set forth now in what they have to meet before they can qualify under that particular program? Is there anything that you can suggest?

Mr. LANDBLOOM. The Indian Officer has suggested for sometime that the associations of that type be organized under State law.

Mr. CHUMBRIS. That would require obtaining counsel and financial consultants, and things like that, which would cost considerable money to get any type of business organization set up, is that correct?

Mr. LANDBLOOM. Yes.

Mr. CHUMBRIS. Do you have any facilities where you can give them that financial advice and legal advice without going outside of the Indian Bureau?

Mr. LANDBLOOM. Yes. I believe we would provide that through our counsel and technicians and, also, through the State officials, the secretary of state.

Mr. CHUMBRIS. If a successful plan could be worked out here, perhaps that could be applied to other reservations that have a similar problem?

Mr. LANDBLOOM. The Indian Office has indicated that that is the type of thing they would like to consider, that they are not too much interested in an organization here which might be organized on the reservation along the lines of the other organizations that we have.

Mr. CHUMBRIS. Have you completed your statement.

Mr. LANDBLOOM. Yes.

Mr. CHUMBRIS. Any questions, Mr. Hart?

Mr. HART. Mr. Chairman, I would like to ask three or four questions.

Now, when these loans are made, Mr. Cross, are they approved by your tribal committee and also the representatives of the Bureau of Indian Affairs?

Mr. CROSS. That is right.

Mr. HART. So that if there are any delinquencies or if these loans are not good credit risks, the tribe would have the joint responsibility with the representative of the Bureau of Indian Affairs of having approved a loan that did not turn out good, is that correct?

Mr. CROSS. That is right.

Mr. HART. Did you hear the conversation this morning regarding the possibility of turning these direct loans, this agricultural rehabilitation program over to the FHIA?

Mr. CROSS. Mr. Hall?

Mr. HART. Yes.

Mr. CROSS. I heard part of it. I had to step out. I didn't catch all of it, but I got the import of his statement.

Mr. HART. Do you believe that such a system might have some value in assisting in the agricultural rehabilitation of some of the Indian families?

Mr. CROSS. I believe what Mr. Hall said was that he was basing his conclusions on findings of the North Dakota agriculture. So it is very hard for me to dispute that fact.

Mr. HART. Would you recommend that the Indian service agricultural rehabilitation program be abolished and in place of it that the FHA carry on such agricultural rehabilitation?

Mr. CROSS. I have stated here now that Mr. Landbloom and I are willing to go along with it provided that the Indians, their obligations to the tribe, are being taken care of first.

Mr. CHUMBRIS. Would you amend your question to include the direct loan that Mr. Landbloom mentioned as well as the FHA? They would be in favor of that.

Mr. HART. That is right.

Mr. CROSS. Just let me say just that I don't see any benefit by transferring from one loan agency to another, other than to try to run away from your debts. The idea is my responsibility to the tribe, and it is this: That money loaned from the tribal fund, we like to have the man live up to this agreement.

Now, if the thought in this is that if our loans are not sufficient to give him a good program, I am rather inclined to believe that they are not telling, they are not talking correctly because we have plenty of money. We have plenty of money, but it is not being used right.

Mr. HART. This morning Mr. Landbloom made some mention of the need for more money for a loan program. Did you hear him state that?

Mr. CROSS. No; I didn't.

Mr. HART. Assuming that he did state that, would the statement that he made be consistent with your statement that there is sufficient money?

Mr. CROSS. We have plenty of money.

Mr. HART. You do not believe Congress needs to appropriate any more money for this agricultural rehabilitation on this reservation?

Mr. CROSS. Well, I think that because of being moved away from the area if you are going to expand your program you would have to consider land purchase with it. We don't have the resources. We don't have the land base.

Mr. HART. Now, you say that there is the need for the purchase of more land; is that correct?

Mr. CROSS. Basing it on what Mr. Hall said that according to the North Dakota agricultural experiment there is not enough units to take care of the Indians here.

Mr. HART. How many thousand acres of land that is now owned by the tribe for the individuals is now leased to non-Indian people for operation?

Mr. CROSS. I don't know about that, Mr. Hart. You would have to consult the Indian Office for those figures.

Mr. HART. Mr. Landbloom, would you be able to give me roughly the number of acres of land now on this reservation in either a tribal or allotted status that is being leased to non-Indian people for agricultural purposes?

Mr. LANDBLOOM. Leased to non-Indian?

Mr. HART. Right.

Mr. LANDBLOOM. I don't believe so. I can give you the breakdown of allotted and tribal land, but I think you will have to get that locally as far as the land and how much is being used by Indians and non-Indians. I might generalize by saying that on some of the reservations—

Mr. HART. I am only interested in this reservation.

Mr. LANDBLOOM. I can generalize and if you get something out of that we can get the specifics out later on.

Mr. CHUMBRIS. Restricted acreage 576,638; Indian operated farmland 6,288; non-Indian operated 52,963. Does that sound like the picture here?

Mr. LANDBLOOM. I just have the total figures. I have a total of 433,000 acres of land on this reservation. I wonder if that figure takes into consideration the area that is out of there.

Mr. CHUMBRIS. What other figure do you have there?

Mr. LANDBLOOM. 433,526 acres broken down to tribal land, 18,091; allotted land, 415,319; and Government and administrative sites, 115 acres. That is the farmland figures. Do you have a unit or permit figure? We have farming and grazing use.

Mr. CHUMBRIS. These figures were taken from the United States Indian Bureau figures.

Mr. LANDBLOOM. Do you know, Mr. Shane?

Mr. SHANE. I don't know offhand. We would have to check with the SNC Division or the Land Division.

Mr. HART. That is all the questions I have at this time.

Mr. LANDBLOOM. I would like to clarify one statement that I made this morning in talking about the need for additional funds. This group did have need for additional funds several years ago. Within the last year the program has been a little bit frozen and they have been carrying on largely a collection program so that they do have a pretty fair amount of money in their local depository which could be used for making loans at the present time.

Mr. HART. At this time they do not need additional money, is that correct?

Mr. LANDBLOOM. Not at this very moment.

Mr. HART. So there is no need at the moment to ask for additional appropriations for agricultural rehabilitation on this reservation; is that right?

Mr. LANDBLOOM. We would want to take another look. We would like to see how much money these agriculturalists will need and how many we are going to keep in business.

Mr. CROSS. Let me say, Mr. Hart, that we are not saying that there is no need for asking for any more money. This group here is asking for more money. What we are saying is we have plenty of money, but we are not lending it out. We are in the process of collection.

Mr. HART. I heard the testimony, Mr. Cross. I heard the testimony of Mr. Landbloom and I heard your testimony, and I was trying to reconcile it.

Mr. MILLS. How is a tribal judge appointed, Mr. Cross.

Mr. CROSS. By process of elimination.

Mr. MILLS. Do you want to explain that?

Mr. CROSS. Well, several make application for the judge and then we take a vote on it. Whoever has the most in the district gets the job. It isn't just 1 throw, 1 ballot.

Mr. MILLS. How did you arrive at the tribal laws? In other words, the laws used by this court came from where? Do you know?

Mr. CROSS. The judge must have a sufficient education to have a good working knowledge of the tribal code.

Mr. MILLS. Excuse me. What I am referring to is where did you get your tribal code. Do you use the one that the Indian Bureau furnished to you?

Mr. CROSS. It is drawn up by the Indians themselves and approved by the Secretary of the Interior.

Mr. MILLS. Is it in that bluebook that Mr. Wicks put out?

Mr. CROSS. No.

Mr. MILLS. You have a separate one?

Mr. CROSS. We have our own tribal code.

Mr. MILLS. In other words, this reservation does not have the same penalties, for example, that they have at Standing Rock?

Mr. CROSS. No; we differ.

Mr. MILLS. I believe your tribal judge is here, is he not?

Mr. CROSS. Yes, sir; he is here.

Mr. MILLS. He could tell me what the sentences are?

Mr. CROSS. I think he could.

Mr. MILLS. How many Indian policemen do the tribal council have?

Mr. CROSS. We have six that we pay out of our tribal funds.

Mr. MILLS. Are they full-time policemen?

Mr. CROSS. Yes, sir; they are on a flat payroll and bonus, if they make arrests, or mileage, but they are on the flat payroll.

Mr. MILLS. What is their salary?

Mr. CROSS. \$75 a month.

Mr. MILLS. And you say there are six of them?

Mr. CROSS. Six of them.

Mr. MILLS. Are they assigned around the reservation or are they all in one place?

Mr. CROSS. We try to spread them out as much as we can.

Mr. MILLS. I understand you have a tribal jail that is being built right now; is that right?

Mr. CROSS. That is right here. I don't want to discuss that. I am not so interested.

Mr. MILLS. Now, let me ask you: Do you think juvenile delinquency is any more of a problem today than it was 20 years ago?

Mr. CROSS. I think so; I believe that.

Mr. MILLS. And why do you think it is a greater problem today?

Mr. CROSS. I think it is because of the association with white people.

Mr. MILLS. In what respect?

Mr. CROSS. Assimilation.

Mr. MILLS. You are against assimilation?

Mr. CROSS. That is correct.

Mr. MILLS. Well, we have had the other feelings expressed, and I think possibly the record ought to indicate what your beliefs are along that line. I wonder if you would state for the record what your position is on that, Mr. Cross.

Chairman LANGER. You have more children than you had 20 years ago, haven't you?

Mr. CROSS. That is right.

Well, I don't know what I would say that would be a solving of the problem other than to say that more stringent rules I suppose, more, probably you are discussing here more recreational facilities for youth and because of more automobiles and modern facilities.

Mr. MILLS. What was that?

Mr. CROSS. Modern facilities. I think that constitutes more freedom for the children. Probably church groups might have influence. I don't think enforcement of law alone does it. I think there should be

some outside, more influential influences, such as church movements, and so on.

Mr. MILLS. Do you think that family life has broken down in the reservation in the last 20 years?

Mr. CROSS. I think so.

Mr. MILLS. Again there I would like to know, if you know, why it is or what could be done about it?

Mr. CROSS. Well, I think Indians are getting away from their national customs. They get into the white man's way of life, which is more freedom. The Indian controls their children by other means, such as the national beliefs, Indian ways.

I know when I was young, I believed what they tell me, if I do this I will lose by other things. Now they say they don't believe it. They don't teach that stuff here. We lost a lot of things that 20 years ago we had. We are losing what those years gave. I think that has some tendency.

Chairman LANGER. What you are telling us, Mr. Cross, as I understand, is that 20 years ago everything was going along very nicely until they made you adopt the white man's way of doing business, and since then things have been getting worse and worse all the time; is that right?

Mr. CROSS. That is right. We are just getting ahead of things.

Chairman LANGER. If they let you alone you wouldn't have this juvenile delinquency problem?

Mr. CROSS. That is right.

Mr. CHUMBRIS. Any further questions?

Chairman LANGER. Mr. Jakes, representing the North Dakota Tax Commission, has some questions.

Mr. JAKES. Mr. Cross, do any of the individual Indian families on the reservation have a substantial income each year? I presume there must be some.

Mr. CROSS. No, not substantial. Just a few. There are a few that have a pretty good income because of recent selling of lands. Just the last few months some of the people have come into a lot of oil money. Just a few, though; not a great number.

Mr. JAKES. Do you know whether they consider themselves liable for Federal and State income taxes on this income?

Mr. CROSS. No; I think they are not liable. That is my opinion.

Mr. JAKES. Would you say that that is the opinion of most of those who have that income?

Mr. CROSS. Yes, sir. They agree with me on that point. That is their opinion.

Mr. JAKES. I can appreciate your stand.

But other than this oil money, you don't think that there are more than a very few who have any amount of income?

Mr. CROSS. That is right, who have to worry about income tax.

Mr. MAXWELL. On what do you base this opinion that there is no liability for income tax?

Mr. CROSS. Well, that is just a personal opinion.

Mr. MAXWELL. That is just your personal idea.

Mr. CROSS. Up to this point, I haven't seen any law where it says you have to pay an income tax. No one has come around and told us that.

Mr. MAXWELL. You don't know of any law that exempts anyone from the income tax?

Mr. CROSS. I don't have that.

Mr. MAXWELL. Did you hear the testimony previously by Mr. Young Bird that the treaty of 1851 apparently has no provisions for any kind of tax?

Mr. CROSS. No; they never got in that part of it.

Chairman LANGER. Of course, the answer to that is that prior to that time they didn't pay any, so they naturally assumed in 1851 that it would continue and they wouldn't have to pay it; is that right?

Mr. CROSS. That is right.

Chairman LANGER. That includes hunting and fishing and every kind of license?

Mr. CROSS. That is right.

We feel that at that time the Commission sent from Washington and talked with the Indians and everything they agreed on still applies as long as we are wards of the Government.

Mr. JAKES. Have any of the Federal Bureau of Internal Revenue employees contacted members on the reservations?

Mr. CROSS. Two of them came I think and brought some forms. I don't know if they have any results or not.

Chairman LANGER. The next time they come, refer them to me.

Mr. CROSS. I will, Senator.

Chairman LANGER. Let me know who they are and when they came.

Mr. CHUMBRIS. Thank you very much, Mr. Cross, for your testimony.

Reverend Case.

Chairman LANGER. Reverend Case, you do not have to be sworn

STATEMENT OF REV. HAROLD WATKINS CASE, SR., REGIONAL PASTOR, CONGRESSIONAL CHRISTIAN CHURCHES, FORT BERTHOLD RESERVATION

Mr. CHUMBRIS. Will you give us your full name, sir?

Reverend CASE. Harold Watkins Case, Sr.

Mr. CHUMBRIS. And you are a reverend here in the reservation?

Reverend CASE. Yes. I am regional pastor of the Congressional Christian Churches in North Dakota on the reservation.

Mr. CHUMBRIS. How long have you been here?

Reverend CASE. Thirty-two years.

Mr. CHUMBRIS. Have you covered pretty much of the reservation?

Reverend CASE. All these years.

Mr. CHUMBRIS. You are well acquainted with the living conditions and the religious life here on the reservation?

Reverend CASE. Yes; I think reasonably so.

Mr. CHUMBRIS. Will you state in your own words the religion of Indians, their religious life, their attendance at church, and their religious way of life, in your own words.

Reverend CASE. You know, the background of the Indian life is religion. They did everything with due respect to God the Creator. With the coming of the gospel message, they began to approach God more intelligently, and now I think everyone on the reservation is connected with one of the churches serving pretty near everyone.

Chairman LANGER. They are just naturally religious?

Reverend CASE. They are a naturally religious people, yes, from any knowledge that we white people have.

Mr. CHUMBRIS. One of the functions of this committee is to render help, if any help is needed, in the problem of delinquency of the youth. Would you please state what suggestions and what recommendations you would make that would help us in our program in combating juvenile delinquency if there is any?

Reverend CASE. Yes; there is considerable but not any more than we might expect in the times in which our present generation of children are growing up.

As I was listening to the testimony, I thought to myself, well, our children are growing up amidst this type of conversation that is going on in the homes so this generation of children are growing up with a considerable insecure feeling. I don't know that it is any more so than one might find among non-Indian people in general, although we feel it because we are tied together here as one family and we see the faults of our children that much more clearly.

Our people have constantly faced adjustment, many adjustments, and are facing more severe ones now. It wasn't very long ago that the children growing up were taken care of by the Government boarding schools. All of a sudden the parents found them back on their land, and they had to learn how to do what is normal for you and I in raising our families.

They are just getting over the hurdle, although they have many problems, but I think, in the main, they are facing very courageously changing from the Government type of boarding school education over to the local school, which was quite an adjustment, which they have made very satisfactorily.

One can see it as you go into the communities. Last evening in one of the segments they announced a meeting at about 4 o'clock, and by 8 o'clock I imagine there was a goodly number there. They respond quickly to come together and talk over their problems.

I am not too worried about the outcome there, although as one slightly concerned about our people standing on their own feet and meeting their problems, well, I have felt right along that we should do two things at least in this immediate period of chaos such as it is with a tribal council functioning that is not fully understood and is quite complicated, a system that turns brother against brother and makes hard feelings.

Of course, as a missionary, I get a lot of honest to goodness across-the-table conversations with our Indian people in their homes. A lot of times I see them blaming this, that, or the other department when they haven't always analyzed it accurately enough, but it seems to me that, if we are going to help them and they do need considerable help in this alteration period, it is not going to be a period that we can tie into one administration, but it may be several administrations.

It seems to me that 2 important needs would be a recreational director in each of the 3 main segments, who would be concerned not only with school activity but with the adult activities of the reservation. To me that is very vital. People get deeper into confusion because a lot of times they don't have any influence brought to bear to guide them in their thinking and activity.

Mr. CHUMBRIS. Reverend, let me ask you this question. Let us forget about what the State of North Dakota will do and what the United States Government will do. Supposing, for instance, the Indians themselves came to you and said: "Reverend Case, we think that right now there are broken homes, a situation that we think should be corrected. There is a little bit too much drinking. There is a little bit too much delinquency. Children are not attending school as regularly as they should and not going to church as much as we think they should. What can we, the Indians, ourselves do forgetting what the outsider may do for us? What can we, through Indian action, do to clean this up?" What suggestions would you make?

Reverend CASE. It seems to me I would urge them to find the ablest leader in their midst that could take that responsibility and through a series of adult group meetings that the common problems could be faced and recommendations be made.

It wasn't very long ago that we had a very valuable office tied into the Indian administration, and that was the Office of Community Analysts. There is that man, whoever that man may be, or that woman; but it seems to me that such a person can render great good in helping the Indian people to meet their problems and find a solution to them.

Chairman LANGER. But, Reverend Case, do you think the conditions among the Indians are any worse than among others, as far as juvenile delinquency is concerned?

Reverend CASE. I do not. I may be wrong. I have no way to determine the non-Indian problems.

Chairman LANGER. It may be better with the Indians?

Reverend CASE. It depends on where you stand.

Chairman LANGER. As a matter of fact, an Indian boy has many more temptations than a non-Indian; is that true?

Reverend CASE. On the other hand, there is less directing of his thinking on activities. For the non-Indian in town there are 101 group activities that are going on and every parent knows that the only way the kids are going to go up is by keeping the thing built up.

Chairman LANGER. Basing your answer on 30 years, you say that the Indian boys and girls do a mighty good job as compared to the non-Indian?

Reverend CASE. I am very proud of them.

Chairman LANGER. I am, too, from my experience with them.

Reverend CASE. Maybe you folks haven't been informed, but more than 700 of our people have found their place in some 30 States of the Union, which is to their credit.

Mr. CHUMBRIS. In your experience, Reverend, the nature of delinquencies among Indian children, if there are any, are different than the nature of delinquencies among the non-Indian children, aren't they, the type of delinquent act?

We must realize that delinquency as defined by law can mean skipping school for 5 straight days. That is an act of delinquency in some jurisdictions. So it runs to many types of things.

Have you found in your experience that there is a difference between delinquency of a non-Indian and delinquency of an Indian youth as to the type of delinquency?

Reverend CASE. I might say it all depends on how we are raising that question, as an Indian within the reservation or looking at it in a distinterested way.

Mr. CHUMBRIS. Of course we are interested in the problem on the reservation and off, as well as we are in the juvenile delinquency picture all over the country. We are trying to get advice from every sphere of activity that we can. So we are just as much interested in the Indian delinquency, if any, off the reservation as we are on the reservation. So you can answer it in light of that thought.

Reverend CASE. I don't know just how to answer that.

Mr. CHUMBRIS. Let me give you this illustration.

Chairman LANGER. Let me ask it, if I may?

Mr. CHUMBRIS. Yes, sir.

Chairman LANGER. Isn't it true that the thinking of a non-Indian is entirely different from the thinking of an Indian?

Reverend CASE. Correct.

Chairman LANGER. In other words, an Indian will divide his property down to the last dollar with his relatives and friends, is that true?

Reverend CASE. That is true.

Chairman LANGER. The white man is just the opposite, as a general rule.

I can conceive of a situation where there are a lot of automobiles around. And an Indian boy comes along, and he is maybe 15 or 16 years old and thinks, "Well this automobile belongs to all of us Indians." He goes in and takes a joyride. His thinking is entirely different from a non-Indian who puts him in jail for taking that car because they have been taught differently.

Mr. CHUMBRIS. May I give you an illustration, which shocked the consciences of the country not too long ago, where 4 boys in New York City, for no good reason at all, murdered 3 people. I don't know if you read of that, Reverend Case?

Reverend CASE. I think I did.

Mr. CHUMBRIS. Where 4 boys, for no good reason, beat to death 3 people in the parks of New York City.

In your experience have you encountered any juvenile delinquency of that type? That is considered juvenile delinquency.

Reverend CASE. I can't say that I have.

Mr. CHUMBRIS. In other words, there is a difference in delinquent acts of an Indian youth and a non-Indian youth.

Reverend CASE. It depends so much upon the particular environment and the general environment in these times. The kids are growing up and don't have the normal home, and consequently they become a charge to the State.

Chairman LANGER. Wouldn't you say that on the whole on this reservation you haven't much of a problem of juvenile delinquency?

Reverend CASE. Well, we do have a problem, Senator, and many of them, but I don't think there is a problem but what we can lick it providing that there is that concern on the part of the lawmakers, the Congress. I am sure what I have said today our Indian people in the main would repeat and the Indian people are finding it difficult to raise their families through those teen-age years, and we have good schools. It would help if we could just go a step further and at least

for 2 or 3 years put on a director of recreation for both adult and school.

Chairman LANGER. And raise your economic level?

Reverend CASE. That community analyst. This Nation was born by across-the-table, cracker-barrel discussion.

Mr. CHUMBRIS. One of the reasons why this particular subcommittee has been interested in the Indian affairs such as the farmers' trouble and the stockmen's trouble is because we realize that the low income that they have per family is one of the factors that might lead a child to delinquency.

Reverend CASE. That is true.

Mr. CHUMBRIS. The fact that they have these 1-room homes where 13 or 14 people might live in 1 room is a factor that might contribute to delinquency.

Reverend CASE. That is right.

Mr. CHUMBRIS. And the economic trouble might lead to trouble.

Reverend CASE. Yes.

Chairman LANGER. I am going to ask you a personal question which you don't have to answer if you don't want to.

Considering what they have, who is more liberal in taking collections in your church, the Indian or non-Indian?

Reverend CASE. The Indian gives in a different way than we white people give. They are a long ways from any systematic giving to their church, but, if they see a job to be done that we can put our finger on, then they assume part of that responsibility or the whole of it. This they do, but so far as plate offerings you couldn't pass any opinion there. We are not that far along in church giving.

Mr. CHUMBRIS. If there is a problem in this reservation, community action supported by governmental action will do the job?

Reverend CASE. I have every confidence in the ability of our people and they are not asking for any handout. They are simply living in a time of confusion and mounting chaos. I have every confidence in our people meeting their problems though they will have to be given some further help.

Mr. CHUMBRIS. Let me ask you one other question. How do you find the effectiveness of law enforcement and law and order on this reservation?

Reverend CASE. Well, there has been continued confusion as to where the Indian law began and the non-Indian law became effective, and there is still that confusion.

Mr. CHUMBRIS. That has created a lot of problems?

Reverend CASE. Considerable.

Mr. CHUMBRIS. And because of those problems there might be a tendency to be a certain laxity in law enforcement?

Reverend CASE. Yes; I think the people are living in the Indian law and order and feel that the white man's law is not effective on the reservation. It is going to take a generation of education and growing up, and in the meantime a consolidation of law authority.

Mr. CHUMBRIS. Any further questions, gentlemen?

Thank you, Reverend Case.

Chairman LANGER. There was a gentleman there that wanted to ask a question.

Mr. CHUMBRIS. Will you please step forward?

Chairman LANGER. Do you want to testify or ask a question?

State your name and address, please.

STATEMENT OF FLOYD MONTCLAIR

Mr. MONTCLAIR. Mr. Chairman, my name is Floyd Montclair. I forgot the gentlemen of the committee here.

Chairman LANGER. I have known you for a good many years.

Mr. MONTCLAIR. Yes; we have known each other for many years.

Mr. CHUMBRIS. Where do you live, Mr. Montclair?

Mr. MONTCLAIR. To tell the truth about it, I am a man without a country because I want some clarification about old-age pension or whatever it is that has been given through the agency. Traditionally, it is always customary for the people here—the Fort Berthold people were treated as a group heretofore, but such is not the case today.

According to the program of the Indian Office, they went to work and cut off the liquor and those that live out of Mountrail County are here and they sent a relief woman here and she will take care of this Mountrail County and the rest of them can go to the devil or whatever it is. They won't serve you. They won't give you service.

Mr. CHUMBRIS. To whom are you referring who won't give you service?

Mr. MONTCLAIR. The relief woman.

Mr. CHUMBRIS. On the welfare board?

Mr. MONTCLAIR. Because you are in Mountrail County and it makes you bad. Now you have to go to McLean County somewhere over in Washburn, N. Dak., and when you get there you have got relief woman over there to look after your business.

You go to them and you just go back and forth. That is why I say I am a man without a country, as far as the county lines are concerned. I know I get a proper answer to my question here.

Chairman LANGER. We have an attorney here from the Government, and we have two United States district attorneys here, and you have the Indian Bureau here and the superintendent. They can answer any question you want to ask.

Mr. MONTCLAIR. That is my question.

Mr. MILLS. Is Mr. Onsrud here? There is a man from the welfare office.

Mr. OVRE. I represent the public welfare board. Mr. Onsrud is not here.

Mr. MONTCLAIR. Why is it that they have to cut off the county lines and they couldn't serve the people on the county lines when before it used to be that Fort Berthold Reservation the people as a whole used to get it wherever it is located over the county lines, and so forth. Now it is different on account of the program of these gentlemen here.

Mr. OVRE. I don't believe there is any change as far as the State board of public welfare is concerned.

Mr. CHUMBRIS. Has there been a change now that we have four different counties? Has there been any change in policy that would require less service to this gentleman than previously?

Mr. OVRE. Not any general change in policy; no. There may be some minor changes effected by the local county welfare board but not any change in any major policy so far as the public welfare board is concerned.

Mr. CHUMBRIS. Where were you living previously when you got good service?

MR. MONTCLAIR. McLean County.

Now they have this lady over here, and she says you couldn't get it because this is a different county.

MR. CHUMBRIS. Are you living in this county now?

MR. MONTCLAIR. Yes.

MR. CHUMBRIS. Don't you have the lady in McLean County to get you any service?

MR. MONTCLAIR. You have to go to Washburn, and they say you got one over there, meaning in Mountrail County.

MR. OVRE. I might explain a little bit. There has been a minor change that has been confusing perhaps to Mr. Montclair. For a few years the public welfare board did employ a social worker. That social worker was stationed at Elbowoods at the agency, and the primary function of that social worker was to serve the Indians who lived in the region of Elbowoods for the five counties in which the reservation was situated.

The public welfare board no longer employs a social worker at the agency. It hasn't been found very feasible for the reason that the Indian Service, the Bureau of Indian Affairs has their own social worker stationed here at Elbowoods who has agreed to serve the Indians in the New Town vicinity for those five counties to the best of that social worker's ability.

MR. MILLS. What is her name?

MR. OVRE. Miss Pausen.

MR. MILLS. Have you talked to her?

MR. MONTCLAIR. Yes. She can't serve me because I am in a different county and this is Mountrail County.

MR. CHUMBRIS. Have you a letter?

MR. MONTCLAIR. This is my letter addressed to Senator Langer.

MR. OVRE. I could explain more perhaps.

When a person has poor relief residence if he is receiving public assistance in or through North Dakota he has poor relief residence in one of the counties. If that person lives in that county and particularly accessible to the county seat, the service that he can receive is quite convenient. If he lives in another county than his county of poor relief residence they sometimes encounter some difficulty in getting as prompt service as if he were living in his own county or in the county seat.

MR. MONTCLAIR. They told us to go to Washburn and it wasn't me, but there is two of us. I am old enough to get a pension or some relief anyway along that line. I am 68 years old. A man as old as I am, him and I are going down there anyway if you put it in writing and give it to us and we will have something to go by when we get there.

This is a letter that I addressed to Mr. Langer here:

TRINITY HOSPITAL,

Minot, N. Dak., September 30, 1954.

Senator LANGER: Glen L. Emmons, Commissioner, Washington, D. C., honored services, the chiefs to the tribes, coming on the date of September 16, 1954, and there is to be a council on said date to speak with you at noontime, North Dakota.

However, in accordance with freedom of speech and freedom of the press, although I am not a chief but a full-fledged American citizen, I have written this perambulatory, interlocutory, or letter of inquiry.

To make a long story short, Mr. Langer and Mr. Commissioner, just give me all my tribal assets in money, said to be \$1,650 per capita payment to each man to the Fort Berthold Reservation, N. Dak. Naturally I here express the

desire to know more about per capita payments by resolution of the tribal council approved by Superintendent Ben Riffell.

That is 2 years ago. Naturally I had learned this Garrison Dam money deal at that time amounted to \$7,500,000 and that money, according to the book of rules—you had it there—passed by the Senate and House of Representatives and still stands and in that book it says on section 2, under subdivisions a and b :

Upon acceptance by the three tribes by majority vote it shall be up to the tribe to do what they want with the above-mentioned money.

If that money is not forthcoming soon, we are fixing up a petition with signatures by majority of the tribes which will stand up in courts. That is all.

Now, it doesn't say the Commissioner of Indian Affairs and the man of the Indian Office should come here and mess around with our affairs. That is all it says, and that still stands as we take it to court. I want to analyze that in that way.

Now I go on to something else. Now, if there is any question, I would like to hear it.

Chairman LANGER. It is very plain.

Mr. MONTCLAIR. Yes.

Chairman LANGER. Go right ahead.

Mr. MONTCLAIR (reading) :

I have learned, too, that citizenship of the American Indian——

Chairman LANGER. Read that over.

Mr. MONTCLAIR (reading) :

Naturally I had learned that this Garrison Dam money deal at that time amounted to \$7,500,000 and that money according to the book of rules passed by the Senate and the House of Representatives and still stands, and in that book it says on section 2 under subdivisions A and B, "Acceptance by the three of the tribes by a majority vote it shall be up to the tribe to do what they want with the above mentioned money."

If that money is not forthcoming soon, we are fixing up a petition with signatures by the majority of the tribes which will stand up in the courts. That is all.

I think I made myself plain there.

Chairman LANGER. Very plain.

Mr. MONTCLAIR. All right. I go on.

I had learned, too, that now this here Garrison Dam business has nothing to do with citizenship of Indians. It has nothing to do with it because it is a private deal among ourselves and, according to what I hear through Indian offices everywhere, when you get that money you are going to be a citizen.

Now, you get that money as a private money. It is a sale of our land here. We were supposed to get it in per capita payments, but they mess around this 3, 4 years, and a lot of us are walking now.

Here I go on. I had learned, too, that citizenship of the American Indian meant the disturbing of many associations, and so I waited silently. I now am absolutely and fully convinced, after thorough study of its wonders, regardless of what tribe of Indian individually should be given his or her tribe assets in cash money with full rights to American citizenship soon as possible.

Is that clear?

Chairman LANGER. There can't be any argument about that at all. It is absolutely clear.

Mr. MONTCLAIR (reading) :

Well, tell the tribal council there is no longer any Indian chiefs. Fifty years I saw the last of them, Geronimo, the Apache, at the World Fair in St. Louis,

Mo. Tell them the policy of Indian Affairs Office is to side in with the Indian judge so they can keep the Indian seminformed in the land of sky blue waters in their affairs. Tell them I hope for the best interests of you all and hereby join fortunes with the newly elected members of the tribal council to the three tribes of Fort Berthold Reservation, N. Dak., to qualify for this foregoing statement in the record as before your committee.

I have graduated in the class of 1910 at Cherokee, Okla. Sure I am glad to say greetings to you all.

Sincerely,

FLOYD MONTCLAIR.

Mr. CHUMBRIS. Thank you.

Mr. MONTCLAIR. I address it to Mr. Langer. I give it to him and he can do what he wants.

That is all.

Mr. CHUMBRIS. Thank you.

Mr. MONTCLAIR. One thing I forgot, Mr. Chairman. I would like the Fort Berthold Indians to stand up so you can see that 95 percent want that money as soon as possible.

Mr. CHUMBRIS. Judge Davis Painte.

Chairman LANGER. I am not going to swear the judge.

STATEMENT OF JUDGE DAVIS (PAINTE) BEDELL, FORT BERTHOLD TRIBAL COURT

Mr. CHUMBRIS. Will you state your full name?

Judge BEDELL. I have changed my name after I became a judge. I used to be Davis Painte, and now I am Davis Bedell.

Mr. CHUMBRIS. Judge, how long have you been judge of the tribal court?

Judge BEDELL. Well, I got on last October 2.

Mr. CHUMBRIS. Last October 2.

Judge BEDELL. Yes.

Mr. CHUMBRIS. And is this your first term as tribal judge?

Judge BEDELL. Yes, sir.

Chairman LANGER. Do you mean a week ago or a year ago?

Judge BEDELL. A year ago.

Mr. CHUMBRIS. How long is your term of office?

Judge BEDELL. I don't know. It all depends upon the tribal council. If they want to remove me, they have the power; or if they feel that I must stay on and I am doing the proper work, I may stay on.

Chairman LANGER. You don't know what your term is as judge. You are in the same position as the Senator from Nevada when he was appointed. He didn't know either.

Mr. CHUMBRIS. When you were appointed, were you appointed for a definite term or an indefinite term?

Judge BEDELL. Indefinite.

Mr. CHUMBRIS. What is the salary that they pay you?

Judge BEDELL. \$6.

Mr. CHUMBRIS. A day?

Judge BEDELL. Per diem, yes.

Mr. CHUMBRIS. And what area do you have jurisdiction over?

Judge BEDELL. The entire reservation.

Mr. CHUMBRIS. The entire reservation. That goes into Dunn County, McLean County, Mercer County, and Mountrail County; is that correct?

Judge BEDELL. Right.

Mr. CHUMBRIS. Where do you usually hold court?

Judge BEDELL. Well, to begin with we used to hold court in Elbowoods, and after that courthouse got under water and I had to get out, then we have our courthouse where? At east segment, and due to the people coming 145 miles, we hold our court here for those people on the south side and, of course, here in the city hall.

Mr. CHUMBRIS. Here at New Town?

Judge BEDELL. Yes, sir.

Mr. CHUMBRIS. In other words, you will go to different areas within a reservation; is that correct?

Judge BEDELL. That is correct.

Mr. CHUMBRIS. Now, how many cases have you heard over the past year? Do you have a record of them?

Judge BEDELL. Yes. We have, but I can't say. It must be about, maybe, around about 120 cases.

Mr. CHUMBRIS. And of those cases are most of those or all of those adult cases?

Judge BEDELL. Yes, sir.

Mr. CHUMBRIS. All adult cases?

Judge BEDELL. Yes, sir.

Mr. CHUMBRIS. Do you have any jurisdiction over juvenile cases?

Judge BEDELL. In some cases I have, but not all the time. There was a juvenile commissioner, and he passed away, and from there I took about four cases.

Chairman LANGER. Do you only get \$6 a day when you serve as judge or do you get \$6 every day?

Judge BEDELL. Every day. That is if I work, and if I don't work, I don't get it.

Chairman LANGER. If you hold court, you get \$6; if you don't hold court, you don't get \$6?

Judge BEDELL. Yes.

Chairman LANGER. Do you hold court more than half the time?

Judge BEDELL. Oh, yes. We have problems pretty near every day.

Mr. CHUMBRIS. Have they appointed a new juvenile commissioner?

Judge BEDELL. No.

Mr. CHUMBRIS. Who undertakes the duties and responsibilities of the juvenile commissioner? Do you take those?

Judge BEDELL. I don't. The man in Garrison takes all that.

Mr. CHUMBRIS. The man in Garrison?

Judge BEDELL. Yes; the Reverend Sebastian.

Mr. CHUMBRIS. What cooperation have you had with the law-enforcement officials and the law-and-order officials in this area as to the State and as to the Federal Government?

Judge BEDELL. Well, I have had help in the 10 major crimes. That is the only thing that we have, and some Federal cases.

Mr. CHUMBRIS. Is there any conflict of jurisdiction between your court and the State court or the Federal court?

Judge BEDELL. Yes; we have in the State and district courts.

Mr. CHUMBRIS. Are there times when you think that the case should be before your court and Mr. Beller says "No; it is before the State courts"?

Judge BEDELL. That is right.

Mr. CHUMBRIS. Or the Federal United States attorneys' offices knew it should be before the United States court. Do you have any instances of those?

Judge BEDELL. That is correct.

Mr. CHUMBRIS. Is that conflict of jurisdiction disrupting you in your office as judge?

Judge BEDELL. In some cases it does.

Mr. CHUMBRIS. In some cases?

Judge BEDELL. Yes.

Mr. CHUMBRIS. Would you explain what type of a case does that conflict arise in?

Judge BEDELL. Well, the most cases we have, you are speaking of this juvenile delinquency, the children running around and not going to school. We have a law in our Indian code laws where there shall be punishment for an Indian, the father or the mother that are not sending their children to school which they will serve 10 days.

All right. Now, after this movement was made, according to the Garrison Dam, the people have moved to nearby towns and distant places, and their children are not going to school, and we have no jurisdiction over them because they tell me that I have no jurisdiction over them because they live in them towns. And if there is a case between two parties of Indians that go outside the district court or State, and then they come back and want to try it in our Indian court, I cannot touch that. They want him. I have a lot of cases where the Indians come to our court and they need help but the district or State has taken over the case and I can't help them.

Mr. CHUMBRIS. In other words, the State claims that the act was done off of the reservation; therefore, the jurisdiction should be by the State court; is that correct?

Judge BEDELL. Yes. I have been told——

Mr. CHUMBRIS. Are there times when both the State court and your court are trying them at the same time?

Judge BEDELL. Well, not in court. I could go over and sit in and hear the case if it is over in a district or State.

Mr. CHUMBRIS. What I meant was: Is there a time where the State court insist on trying a person for a charge and then you go ahead and try him again, thinking that you also have jurisdiction, and the man is tried twice for the same offense? Does that arise very often or does it ever arise?

Judge BEDELL. Yes, it comes up in most cases.

Mr. CHUMBRIS. Then you get together?

Judge BEDELL. No. Whatever the judgment is they stick by it.

Mr. CHUMBRIS. Supposing the State court goes ahead and tries him and give him 6 months and you go ahead and try him and give him 30 days. Does he spend 6 months in one jail and then come out and spend 30 days in your jail?

Judge BEDELL. We never tried that.

Mr. CHUMBRIS. If there is such a conflict you get together on that with both courts?

Judge BEDELL. Yes.

Mr. CHUMBRIS. Do you cooperate on that?

Judge BEDELL. That is right.

Mr. CHUMBRIS. Are there times when an Indian might commit what might be an offense off the reservation and then come rushing before your court, hoping to get a lesser penalty by coming before your court?

Judge BEDELL. Yes.

Mr. CHUMBRIS. How do you usually handle that?

Judge BEDELL. If it is committed on the outside I cannot touch that.

Mr. CHUMBRIS. The example that I am using is that supposing a man commits an act that is just off of the reservation and then rather than be treid by a State court he comes in and says, "Will you, please, try me before your court?" He has been apprehended. Do you have have any situations such as that?

Judge BEDELL. I have never tried that because I have been told after I got on this, after I took this position of judge I have been told any crime or anything committed on the outside I couldn't touch that unless it is committed. You are a tribal judge. Your jurisdiction is within the boundary of the reservation, not on the outside.

Mr. CHUMBRIS. Are there any complaints from the members of the reservation as to the penalties inflicted by the court being too lenient or too harsh?

Judge BEDELL. Yes.

Mr. CHUMBRIS. Would you, please, explain to us what those complaints are?

Judge BEDELL. Yes. You mean you want me to explain as to a certain case?

Mr. CHUMBRIS. Yes. Do a group of people come to you or does the prisoner himself say that it is too severe or somebody else say you haven't been that person a severe enough penalty?

Judge BEDELL. Yes; there is.

Mr. CHUMBRIS. Is there any pressure from members on the reservation as to that question?

Judge BEDELL. Yes; there is.

Mr. CHUMBRIS. Would you, please, explain that?

Judge BEDELL. There seems to be half and half. Some people would like the law to take its course and some people don't like the law and, if I punish one man, all right, here comes a bunch. "You have been too severe with this man. You should let him go. Or else if you don't let him go we are going to bring a petition and knock you out."

Then if I am lenient with a man they come to me and say, "Why don't you slam the books at him, and then everything will be all right, and we can do it this way, the same thing."

Mr. CHUMBRIS. But in your duties as judge you try to judge them as you see them and sentence them how you can according to law?

Judge BEDELL. According to the way I judge them I judge them according to their characters, their homes, and their records. If that is a first offense, why, if he just is ordinary and has not bothered anybody, all right. But if they went to extremes, then I judge them accordingly.

Mr. CHUMBRIS. Judge, in the hearing yesterday, and again I think it has been brought out today, you hear people say, "Well, law and order on the reservation is ineffective; it is not effective." Do you understand?

Judge BEDELL. Yes.

Mr. CHUMBRIS. Would you like to make some comment on that?

Judge BEDELL. Well, we could have the law and order which would take its course and everything in effect, but there are so many people that do not like the law and so that way some places, when I give you this example—they have doings over here. They have a community celebration or individual celebration or whatever it may be. All right. We send the law over. They come back and say: "Well, you shouldn't send the law over. We are having a good time. We don't need the law. You spoil our fun."

Then next time we don't send the law over and they they scream: "Where is your Indian police? Where is your law? We need the law."

So you see our laws in this reservation don't know which way to go. And I think myself that that is where the most trouble lies among our people in this juvenile delinquency.

Mr. CHUMBRIS. I understand that there has been some complaint that there are not enough cases, paternity cases, brought before the tribal courts in cases of illegitimacy. Would you like to comment on that?

Judge BEDELL. Yes.

We have our records that it all depends upon the parent and they have to come to make a complaint, and then the law will take action. In some cases, they don't want anybody to come in. They don't report. In these cases, most of our cases it has happened on the outside of our towns, such as these girls drinking, being given drinks by some of our white friends—I say "white friends." Most of those that gave us liquor are our best friends—that is one thing that we have that some people don't like, too.

I think the Indian, I don't know, you gentlemen don't know, but some Indians have too much pride in them. They don't like to be disgraced. That way they just hold it down and we can't step in. If we step in and say: "Now here is your problem. What are you going to do?"

Mr. CHUMBRIS. As long as there is no complaining witness, there is nothing you can do?

Judge BEDELL. There is nothing we can do.

Chairman LANGER. Is there an appeal from your decision? Can a lady or gentleman appeal from your decision?

Judge BEDELL. No.

Chairman LANGER. To whom?

Judge BEDELL. Well, they have to come to me, I guess.

Chairman LANGER. If you announce a verdict, is there any place they can appeal to?

Judge BEDELL. Yes; we have what we call jury. They can appeal to them and then we have these appellate jurors.

Chairman LANGER. Who selects them?

Judge BEDELL. I do.

I will get the names and then the clerk of court draws them while these people are present. And if they challenge them, we keep on until we get them.

Chairman LANGER. You pick your own appellate court; is that right?

Judge BEDELL. No; I just pick the names. It is just like you do in the outside.

Mr. CHUMBRIS. Selecting a jury?

Judge BEDELL. Yes; we have the names. The tribal court gives us names, and then we write the names down and put them in the hat. Then the clerk of court draws them, and the parties that are there they say they don't want it.

Chairman LANGER. They can have a jury if they want it in your court.

Judge BEDELL. Yes.

Chairman LANGER. The majority of the jury decides, not the 12?

Judge BEDELL. Yes.

Chairman LANGER. How many do you have on your jury?

Judge BEDELL. They used to have a 6-man jury before, and some way or another they changed it, and the last order I got was 3 jurors, and they have names there just like I said. They have so many Gros Ventres, and so many Mandans, and so many Arikaras. When they form a jury it is not all one tribe. There is 1 Gros Ventre, 1 Mandan, and 1 Arikara.

Chairman LANGER. Do you get that from the tribal council or from the Indian Bureau?

Judge BEDELL. From the tribal council.

Mr. CHUMBRIS. Judge, have you found that the maximum tribal sentence is much lower than the maximum State sentence and maximum Federal sentence? Do you find that that fact makes it more difficult to have good and effective law enforcement on the reservation? Do you understand my question?

Judge BEDELL. Yes. In some cases it is more than State.

Mr. CHUMBRIS. Well, we have a chart here which shows that only in one instance is the maximum tribal sentence greater than either the State or the Federal. In all of the other crimes especially the more serious ones they are far more lenient than the State and Federal courts. Do you think that that has any effect on law and order on the reservation?

Judge BEDELL. Well, it is in some cases.

Mr. CHUMBRIS. Have you, as judge, ever recommended to the tribal council that they should consider making the maximum sentence from the tribal court be consistent or closely alined to the sentences in the State and Federal courts for similar offenses?

Judge BEDELL. Yes.

Mr. CHUMBRIS. Have they ever taken any action on that?

Judge BEDELL. Yes; they have.

Mr. CHUMBRIS. Has the tribal council ever taken any action on that?

Judge BEDELL. Yes.

Mr. CHUMBRIS. In what respect?

Judge BEDELL. Well, they have backed us up on different cases where it was in the code where we go by. We have a code. And then there are some cases that come in that are not in the code, within our code. There we are stuck and then cases we made resolutions and presented them to the council and then they approved them.

Mr. CHUMBRIS. Let me give you an example. Here under kidnaping the maximum tribal sentence is 6 months under the Court of Indian Offenses. That is the court put out by the Indian Bureau. What is the maximum tribal sentence for kidnaping on this reservation?

Judge BEDELL. That is 1 of the 10 major crimes. We don't handle that. We take it outside.

Mr. CHUMBRIS. That automatically goes to the State or Federal? Judge BEDELL. State or Federal.

Mr. CHUMBRIS. You don't have jurisdiction over that whatsoever? Judge BEDELL. No.

Mr. CHUMBRIS. How about, for instance, sodomy. Under the State court you have 10 years and I understand from a chart that has been introduced in evidence here there is no penalty whatsoever for sodomy on the reservation. Are you aware of that?

Judge BEDELL. No.

Mr. CHUMBRIS. For instance, receiving stolen goods, there is no maximum tribal sentence whatsoever on the Indian reservation; whereas, the maximum State sentence would be 5 years and the maximum Federal sentence would be 3 years.

Judge BEDELL. That goes outside, too. It goes to a Federal court.

Mr. CHUMBRIS. You consider that under the 10 major crimes; therefore, under bigamy, incest, sodomy, attempted rape, assault to commit rape, receiving stolen goods, and forgery, the fact that there are none here indicates that you have no jurisdiction whatsoever; is that correct?

Judge BEDELL. That is correct.

Mr. CHUMBRIS. And they are the ten major crimes; therefore, you have no jurisdiction whatsoever?

Judge BEDELL. That is right.

Mr. CHUMBRIS. Now, let us take here unlawful cohabitation. You have 30 days as the maximum sentence and you have 1 year as the maximum State sentence. Do you consider that the lesser penalty on the reservation might be conducive to unlawful cohabitation which might lead to illegitimacy and other things of that type?

Judge BEDELL. We have cohabitation in the code, 6 months or \$180 fine, or both. That is what we have.

Mr. MILLS. Excuse me. I believe they may not have the same. I want to call your attention to the fact that that schedule does apply to Fort Yates. I am not certain whether it applies to these other reservations.

Mr. CHUMBRIS. Fort Yates is under the Indian Bureau code and you are the only reservation in North Dakota that has its own tribal court answerable to the tribal council.

Judge BEDELL. Yes.

Mr. CHUMBRIS. Therefore, there could be a difference between the sentence which I have stated which is under the code of the Bureau of Indian Affairs and the sentence that your tribal council might have set for this particular offense; is that right?

Judge BEDELL. That is right.

Mr. CHUMBRIS. But you have suggested to the tribal council that the penalty for offenses on the reservation should be fairly consistent with the penalty for similar offenses in the State court?

Judge BEDELL. Yes. We are in some cases. In some cases we use State law. There is only one that we have, mayhem. We have that in our code which calls for 1 year and \$1,000, or both. That is just that one that we have. That is the sentence we have in our code.

Mr. CHUMBRIS. Have you and your law-enforcement officers held conferences with the law and order people of this county regarding working out any conflicts in jurisdiction and any other problem dealing with law and order?

Judge BEDELL. Yes, before I took this judge position they did have. I think John Hart was there, and they have been having that, but after I got on I never attended it.

Mr. CHUMBRIS. But cooperation between law and order on the reservation and law and order in the county and with State officials would be preferable to improve law and order in this area, wouldn't it?

Judge BEDELL. Yes. We are cooperating right now at present. We have no jails. We use the town jails.

Mr. CHUMBRIS. You have no jail?

Judge BEDELL. We have no jail. It is just being built now. I don't know how far along it is.

Mr. CHUMBRIS. Do you have any problem with lack of funds to keep people in jail and thereby let them have a lesser sentence than the sentence that you normally would impose?

Judge BEDELL. No.

Mr. CHUMBRIS. You don't have that problem?

Judge BEDELL. No; we don't have that problem.

Mr. MILLS. Senator?

Chairman LANGER. Mr. Mills.

Mr. MILLS. I was going to ask: Are there any attorneys permitted in your tribal court?

Judge BEDELL. No.

Mr. MILLS. The other thing is, when you have juveniles that you sentence, when there are young children either for drunkenness or whatever it is, and they need correction, do you have any place you can send them?

Judge BEDELL. No; as far as that, I have had four cases, and according to that, I have had the parents come in and I talk to them and I put them on probation, telling them that if they do that again they have to go to some training school or something. That is the four cases I had.

Mr. MILLS. Did it work out okay?

Judge BEDELL. It worked out all right.

Mr. MILLS. Have you ever tried non-Indians in your court?

Judge BEDELL. Non-Indians? That is one of our troubles right now. We have a case and we have talked to the outside court in Aberdeen and the State and we don't know right now where we are at. It is non-Indian, and they said we could try the Indians but not the whites.

Mr. MILLS. The other question that I had in mind is that you mentioned that if something came up that you did not have a law to cover that the tribal council would make a law to cover it.

Judge BEDELL. I would recommend for their approval because under the tribal council, they have law and order, then they have their tribal attorney, and then they work that over and then they send it down to us.

Mr. MILLS. Well, until a law is approved by the tribal council, you don't attempt to convict anybody that did something before the law was approved?

Judge BEDELL. No.

Chairman LANGER. You can try an Indian but not a non-Indian?

Judge BEDELL. I would try an Indian.

Chairman LANGER. If the superintendent was an Indian you could try him?

Judge BEDELL. That is right.

Chairman LANGER. You are in favor of the superintendents being Indians, aren't you?

Judge BEDELL. I don't know. That is pretty hard to say. If I do I am afraid I wouldn't have many Indian superintendents.

Mr. MAXWELL. You couldn't try the superintendent unless he was a member of 1 of the 3 tribes, could you?

Chairman LANGER. You couldn't. If he is an Indian he is an Indian.

Mr. MAXWELL. You have to belong to the tribe to have jurisdiction over him.

Mr. BUEHLER. May I ask a question?

Can you handle these illegitimacy complaints and make a finding that so-and-so is the father?

Judge BEDELL. Yes; when we try these cases we refer these cases to the welfare and when the welfare investigates the case, then if it turns out to be a case, she refers back to us, and then we take action.

Mr. BUEHLER. This is my question then: What means do you take? Say you order the father to support the child. Do you do that?

Judge BEDELL. Yes.

Mr. BUEHLER. What means do you use to enforce that? What is your provision for enforcing that?

Judge BEDELL. Well, first the woman, if the woman asked for alimony, or a certain amount of money, if I see that it will pay, then I grant that and I use my judgment on it whatever it is going to pay. All right. Then it goes on and then he is delinquent and in each month. Then we have to put him in just like outside case, and throw him in until he pays it.

Mr. BUEHLER. About the same way as the State has?

Judge BEDELL. The same.

Chairman LANGER. We will recess for 10 minutes.

(Short recess.)

Mr. CHUMBRIS. Ben Killsthunder, police chief.

Chairman LANGER. Do you solemnly swear that the testimony you shall give in this matter now in hearing before this subcommittee on juvenile delinquency of the Senate of the United States shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KILLSTHUNDER. I do.

TESTIMONY OF BENJAMIN KILLSTHUNDER, CHIEF OF POLICE, FORT BERTHOLD RESERVATION, N. DAK.

Mr. CHUMBRIS. Will you, please, state your full name?

Mr. KILLSTHUNDER. Benjamin Killsthunder.

Mr. CHUMBRIS. Your occupation?

Mr. KILLSTHUNDER. Chief of Police, Fort Berthold Reservation.

Mr. CHUMBRIS. How long have you been police chief?

Mr. KILLSTHUNDER. Well, I was a night guard for a while, I believe. I believe in 1949 or 1950, I believe I was promoted to be chief.

Mr. CHUMBRIS. How long have you been in law enforcement?

Mr. KILLSTHUNDER. Well, all together I would say about 15 years.

Mr. CHUMBRIS. Fifteen years?

Mr. KILLSTHUNDER. That is right.

Mr. CHUMBRIS. And where else have you served as a law-enforcement official?

Mr. KILLSTHUNDER. This is the only reservation.

Mr. CHUMBRIS. Have you done any work as deputy sheriff in this county?

Mr. KILLSTHUNDER. That is right.

Mr. CHUMBRIS. How long have you served as deputy sheriff?

Mr. KILLSTHUNDER. I am still authorized as deputy sheriff for McLean County.

Mr. CHUMBRIS. For how long have you been doing that?

Mr. KILLSTHUNDER. For about 10 years.

Mr. CHUMBRIS. It has been the practice to be a police officer on the reservation and at the same time to act as deputy sheriff in the county?

Mr. KILLSTHUNDER. That is right.

Mr. CHUMBRIS. And that is a practice on other reservations?

Mr. KILLSTHUNDER. That is right.

Chairman LANGER. On this reservation?

Mr. KILLSTHUNDER. On other reservations.

Chairman LANGER. It was not on Standing Rock.

Mr. KILLSTHUNDER. Fort Peck in Montana had it.

Chairman LANGER. I don't know about Fort Peck. But it isn't true at Standing Rock. Go ahead. It is immaterial.

Mr. CHUMBRIS. In your duties as police chief, would you explain to us just what you do?

Mr. KILLSTHUNDER. Yes, sir.

Well, I have been on the force on this reservation. I believe, from 1936, the Wheeler-Howard law, we followed this code in the reservation jurisdiction. Well, my duty is—we have just stated a few minutes ago that the jurisdiction means a lot for a law-enforcement officer. So that is the reason I was authorized deputy sheriff to handle the white people who come in the reservation. For any violation I arrested them and transferred them over to the county.

Mr. CHUMBRIS. Then if there was any question of jurisdiction he was either charged with a State offense or with a tribal offense?

Mr. KILLSTHUNDER. Or a Federal offense.

Mr. CHUMBRIS. Or a Federal offense in case there was a Federal offense involved?

Mr. KILLSTHUNDER. That is right.

Mr. CHUMBRIS. Would you, please, state what type of cooperation you have had with State officials and Federal officials in law enforcement?

Mr. KILLSTHUNDER. Well, I have a pretty good cooperation with the county and also State. As I just stated here a few minutes ago, any case that we cannot handle through the tribal court, I transfer it to the county or if it is a Federal offense I turn it over to the proper authorities.

Mr. CHUMBRIS. Let us say 1 of the 10 major crimes were committed. What would be your first step?

Mr. KILLSTHUNDER. Well, my first step is I make the investigation. Then we have Mr. Orle Comeau, one of our special officers, to work in this reservation. I ask him to come in to cooperate with me to further the investigation.

Mr. CHUMBRIS. How soon do you get in touch with the United States attorney's office or the Federal Bureau of Investigation?

Mr. KILLSTHUNDER. If I feel there is a case that should be looked into I have the superintendent call.

Mr. CHUMBRIS. As soon as you feel that the violation is one of the 10 major crimes you get in touch with the United States attorney's office or the FBI?

Mr. KILLSTHUNDER. That is right.

Mr. CHUMBRIS. How many men do you have working with you on the reservation?

Mr. KILLSTHUNDER. They select about three more tribal officers.

Chairman LANGER. How many?

Mr. KILLSTHUNDER. All together there are four tribal officers.

Mr. CHUMBRIS. Four including yourself?

Mr. KILLSTHUNDER. Five.

Mr. CHUMBRIS. Five including you, and are they all full time?

Mr. KILLSTHUNDER. Yes, sir.

Mr. CHUMBRIS. What pay do they get?

Mr. KILLSTHUNDER. I understand they are getting \$75 a month and then the per diem.

Mr. CHUMBRIS. Have you a record of the number of arrests that you have made over the past year and the nature of the offenses?

Mr. KILLSTHUNDER. Yes, I have my own record, and we have the record in the courthouse, too.

Mr. CHUMBRIS. Do you have them with you?

Mr. KILLSTHUNDER. No; I didn't bring them.

Mr. CHUMBRIS. Could you make them available to the committee?

Mr. KILLSTHUNDER. For this last year?

Mr. CHUMBRIS. For this past year or you can take a fiscal year, just so it covers a 12-month period.

Mr. KILLSTHUNDER. I would make a rough guess about 120 cases maybe.

Mr. CHUMBRIS. 120 cases?

Mr. KILLSTHUNDER. Yes.

Mr. CHUMBRIS. And the nature of those cases is what? What type of cases were they?

Mr. KILLSTHUNDER. Just misdemeanor cases.

Mr. CHUMBRIS. I was wondering if you could make a record of that available to the subcommittee. You could mail it to us at Washington.

Mr. KILLSTHUNDER. I will do that.

Chairman LANGER. Let that be exhibit No. 19.

(The information, which covered the period July 1, 1953, to July 1, 1954, listed 19 juvenile cases involving disorderly conduct, illegal cohabitation, and reckless driving. The document was marked "Exhibit No. 19," and is on file with the subcommittee.)

Mr. CHUMBRIS. Do you have a regular form?

Mr. KILLSTHUNDER. I have a regular form to fill out, and my report is made out, a weekly report.

Mr. CHUMBRIS. If you have that summarized in monthly or annual reports, showing the number of offenses and male or female, the nature of offenses, we would like to have a full record of that.

Mr. KILLSTHUNDER. Yes.

Mr. CHUMBRIS. Do the juveniles come under your jurisdiction?

Mr. KILLSTHUNDER. Well, I turn those cases over to the juvenile commissioner.

Mr. CHUMBRIS. Juvenile commissioner?

Mr. KILLSTHUNDER. Yes.

Mr. CHUMBRIS. Who makes the arrest?

Mr. KILLSTHUNDER. Sometimes I do. If they give me a holding order I pick the parties up.

Mr. CHUMBRIS. What is your cooperation with the juvenile commissioner? Is it good, bad, or what?

Mr. KILLSTHUNDER. Well, I get along pretty good.

Mr. CHUMBRIS. Well, when you are called in as an arresting officer or to hold a juvenile, what type of offenses are they that come under your investigation? Could you explain?

Mr. KILLSTHUNDER. Well, you mean the charges?

Mr. CHUMBRIS. Yes; what particular delinquency act did they commit?

Mr. KILLSTHUNDER. The charges would be theft or something.

Mr. CHUMBRIS. How about drinking, driving while drunk, acts of sex violations, and things like that. Have you had occasion to investigate those or arrest them and hold them for the juvenile commissioner?

Mr. KILLSTHUNDER. Yes; I turn that over to the tribal judge and he turns it over.

Mr. CHUMBRIS. Do you have records of those arrests?

Mr. KILLSTHUNDER. I believe we have records.

Mr. CHUMBRIS. Could you furnish us a summary of those arrests also of juveniles?

Mr. KILLSTHUNDER. Yes.

(The information was not received in time for printing.)

Mr. CHUMBRIS. Where does the juvenile commissioner reside?

Mr. KILLSTHUNDER. Well, Mr. Guy Parkineaux was the one appointed on the reservation but he died last January.

Mr. CHUMBRIS. Who is the juvenile commissioner now?

Mr. KILLSTHUNDER. I believe Mr. Paul Buehler is appointed as the juvenile commissioner.

Mr. BUEHLER. To keep the record straight, that is not for the reservation. I can explain the situation of Mr. Parkineaux a little bit although I didn't get familiar with it until about the time he died.

McLean County was authorized two juvenile commissioners appointed by the district judge. At that time Guy Parkineaux was appointed juvenile commissioner for the reservation and there was some arrangement of the payment of his fees part by the county and part by the Indian Commission. He disposed of the cases here on the reservation and anything off of the reservation was handled by William Baskins.

At the present time there is no juvenile commissioner appointed by McLean County for the reservation. We are not even sure of our jurisdiction to do so on the reservation.

That arrangement worked at the time, but at the present time we are not certain. I have been acting commissioner since Baskins left.

Mr. CHUMBRIS. And you are also serving as State's attorney?

Mr. BUEHLER. That is correct.

Mr. CHUMBRIS. Is there any conflict between your duties as State's attorney and juvenile commissioner?

Mr. BUEHLER. None whatsoever.

Mr. CHUMBRIS. Do you have close cooperation with the police commissioner?

Mr. BUEHLER. Yes.

Mr. CHUMBRIS. We are going to have you testify later and you can bring that up. I wanted to straighten that up for the record at this time.

How is the drinking problem here on the reservation, especially with driving automobiles? Do you have difficulty with enforcing that?

Mr. KILLSTHUNDER. Yes, sir. The last 2 years I have had more of that.

Mr. CHUMBRIS. You operate under a code established by the tribal council; is that correct?

Mr. KILLSTHUNDER. Yes; this right here.

Mr. CHUMBRIS. Have you noticed whether that is in much variance with the code used by the tribal officers on other reservations where they are under the jurisdiction of the Indian Bureau? Is there much difference in the code here and the code down in Fort Yates, let us say?

Mr. KILLSTHUNDER. Yes, sir. This is the Wheeler-Howard Act we are following here.

Mr. CHUMBRIS. You follow that?

Mr. KILLSTHUNDER. This is the code we are following.

Chairman LANGER. Do you have questions, Mr. Hart?

Mr. HART. There are a couple.

Chairman LANGER. Go ahead.

Mr. HART. Mr. Killsthunder, would you know offhand how many Indian boys from this reservation are now in the State training school?

Mr. KILLSTHUNDER. Well, I would make a rough guess about five maybe.

Mr. HART. Now, the next question I have to ask is: Would you be able to tell us whether your salary and the salaries of the other policemen on this reservation are paid for by your tribal funds or Bureau of Indian Affairs funds?

Mr. KILLSTHUNDER. You mean my salary?

Mr. HART. Your salary and the salaries of the other five who work for you.

Mr. KILLSTHUNDER. I am getting paid by Federal.

Mr. HART. The Bureau of Indian Affairs.

Mr. KILLSTHUNDER. And the other officers are getting it from the tribal fund.

Chairman LANGER. It is channeled back to the tribal fund?

Mr. HART. No.

Chairman LANGER. From whom do they get the money?

Mr. HART. Appropriations of Congress pay his salary, but the tribe pays the other five policemen. I believe that is correct.

Mr. KILLSTHUNDER. Yes.

Mr. HART. You were involved here in a highly complicated question of Indian law and jurisdiction between Federal district court, State court, and Indian court. Have you had any specialized training by the officials of the Bureau of Indian Affairs on this question of jurisdiction or have you just picked up the information as you have been working?

Mr. KILLSTHUNDER. I have just picked it up as I have worked.

Mr. HART. Do you believe it would be of value to you and to this entire law-enforcement question if you would have a specialized course of, say, 1 or 2 weeks in this question of jurisdiction so you would know what the proper court is for the various crimes that you run into?

Mr. KILLSTHUNDER. Well, I have been going at the high school. That is where I learned.

Mr. HART. But I am thinking mainly in terms of jurisdiction on Indian reservations, a special school such as that.

Mr. KILLSTHUNDER. Yes.

Mr. HART. You believe that would be a good idea?

Mr. KILLSTHUNDER. I think it is a good idea.

Mr. HART. Thank you.

Chairman LANGER. Mr. Mills.

Mr. MILLS. No questions.

Chairman LANGER. Mr. Maxwell.

Mr. MAXWELL. No questions.

Chairman LANGER. Mr. Jakes.

Mr. JAKES. No questions.

Mr. CHUMBRIS. Thank you very much, Mr. Killsthunder. Would you like to take the stand, Mr. Buehler?

STATEMENT OF PAUL BUEHLER, STATE'S ATTORNEY, McLEAN COUNTY, N. DAK.

Mr. CHUMBRIS. Would you state your full name?

Mr. BUEHLER. Paul Buehler.

Mr. CHUMBRIS. Would you give your official title?

Mr. BUEHLER. I am States attorney of McLean County and acting juvenile commissioner for McLean County.

Mr. CHUMBRIS. How long have you served in both of those capacities?

Mr. BUEHLER. I will have to clarify that a little. I have been assistant States attorney for approximately a year and was appointed States attorney upon the resignation of Robert Vogel in August, and I have served as acting juvenile commissioner since the 1st of July.

Mr. CHUMBRIS. You have heard the testimony here today?

Mr. BUEHLER. Yes.

Mr. CHUMBRIS. In your own words would you please explain to us your interpretation of the problems that are created from conflict of jurisdiction between Federal, State, and tribal law and order?

Mr. BUEHLER. Well, my interpretation is this. Our policy that we adopted down there which has been adopted by our office for some years is this: That where anyone failed to take jurisdiction of a crime we would take it and we would go through with it.

We have since that time become involved in a jurisdictional question which I believe the Federal Government should have handled. We haven't had much conflict with the tribal courts. They take jurisdiction of those things that happen on the reservation and we never attempted to.

The only time we came into that sphere was in matters involving juveniles. When Guy Parkineaux was juvenile commissioner some of those boys were taken before our district court judges or the judges of the juvenile court and sentenced to the State training school at

Mandan for offenses that did occur here on the reservation, but that is the only sphere where we have had anything to do between the reservation and our county.

Anything that happens outside of the reservation we take jurisdiction of it. What Mr. Killsthunder was talking about in our cooperation is this: That I live in Garrison, and in Garrison we have several Indian families and we do have quite a juvenile problem there and a lot of the juveniles are Indians. If a crime is committed and the juvenile goes back to the reservation, Mr. Killsthunder is a deputy sheriff and I would issue him the hold order, and he would go upon the reservation and bring that person before the juvenile commissioner. But we have had no conflicts between the tribal courts and the State courts in our jurisdiction.

Mr. CHUMBRIS. Have you had any questions between the Federal and States courts?

Mr. BUEHLER. We have had some question come up. If something happens on the reservation, if there is a body discovered or something, the practice has been that the State's attorney and the coroner come out and at the same time the Indian Bureau officer, Orlie Comeau, and the FBI, or someone else is there, and as soon as the question is decided whose it is, either the Federal or State takes over and assumes jurisdiction.

Mr. CHUMBRIS. You made a statement earlier that, if no one else takes jurisdiction, then the State will take jurisdiction?

Mr. BUEHLER. That was our practice. Whether we are wrong or right, we don't know.

Mr. CHUMBRIS. How long a period would elapse, let us say, from the time a criminal act was committed until the time that you determined that you will take jurisdiction because no one else took it?

Mr. BUEHLER. No set time. In other words, we have had these cases where an Indian family probably lived on the reservation where someone in the family or some other member has probably threatened to kill them or something because of some reason. We recognize the fact that it happened on the reservation, but if the family would come in and complain to us and say that they were scared of that person, we would possibly take peace-bond proceedings, and see that some restraint was put on the individual involved.

Mr. CHUMBRIS. There is one other thing that I would like to get cleared up. Let us say that there was a question of jurisdiction and no one else took it, and you took jurisdiction. Would that lapse of time in determining who should have jurisdiction affect the apprehension of the criminal or affect the obtaining of sufficient evidence to convict the criminal when a difficulty like that arises?

Mr. BUEHLER. Not for this reason: Because we usually are involved in the investigation from the start. Of course I have been State's attorney for such a short time that I am not familiar with all of them. But we do consult with the office of the United States district attorney on serious matters.

Mr. CHUMBRIS. What recommendations would you like to make to the subcommittee which would improve law and order on and off the reservation as it affects the Indian population?

Mr. BUEHLER. Before I can answer that, I will have to discuss a little bit the situation we have in Garrison, which is one of these towns

right off the reservation to which several Indian families moved at the time of the relocation.

I can cite since I have been juvenile commissioner in July, 15 juveniles that I have processed either before the judge or handled myself were Indian children. The record for the year back is probably almost as great.

This I must state first: That the majority of these involved theft and the theft by the Indian children usually takes the age group from about 8 to 14.

Mr. CHUMBRIS. Excuse me, one moment. I don't know whether the record shows it. Is Garrison within or without the reservation?

Mr. BUEHLER. It is without the reservation in McLean County.

Just this past week, we have had where they have entered 1 business place and 3 different homes and stolen money. The children involved come from broken-up families and have no parental supervision. And I have brought to my attention that there are some that are not going to school that should be, and I have now made arrangements that they have to go to school.

It is getting to be quite a serious problem in Garrison, and I believe will continue to be, and it is because of the type of homes and the conditions in which the parents live.

Our other greatest problem involves drinking, mostly disorderly conduct charges in the city; and next to that we handle quite a few illegitimacy complaints brought by these Indian girls.

Mr. CHUMBRIS. May I ask you another question at this point?

From your experience with these acts of delinquency of the youth, is it more prevalent on the reservation or off the reservation?

Mr. BUEHLER. I would say it is more prevalent off the reservation, in the towns. For one reason they are not integrated with the white children. I am not familiar with it on the reservation.

Mr. CHUMBRIS. Then perhaps a misconception exists and the increase of juvenile delinquency of the Indian youth is more applicable to off the reservation than to conditions on the reservation; is that correct?

Mr. BUEHLER. Well, that is my opinion, although I say I am not familiar with what the conditions are on the reservation. But in Garrison particularly we do have a lot of it.

Mr. CHUMBRIS. Continue with what you were saying.

Mr. BUEHLER. As to the number of illegitimacy cases, of course, we take all of them if they come to us and make a complaint, and our process for enforcement is no better than I imagine the tribal laws are. If they agree to pay so much a month and sign the agreement in writing for the support of the child, we take the same measures they do any place else to enforce it. I think you will find our delinquency problem is probably greater with the youth than with the adults.

Mr. CHUMBRIS. Let me ask you one question as to this on or off the reservation phase.

As to the ones who are living off the reservation, is there any percentage figure of which of those are children of Indian parents on both sides or the situation where they may be a mixture of white and Indian, Indian and non-Indian?

Mr. BUEHLER. There are both. But I believe that where they are both Indian there is the greatest percentage.

Mr. CHUMBRIS. Where they are both Indian.

Chairman LANGER. Any questions, Mr. Hart?

Mr. HART. Yes; I would like to ask a question here just to bring out how this confusion of jurisdiction which happens on the firing line.

I understand that in your county your officer prosecuted an Indian fellow regarding theft or killing of a steer.

Mr. BUEHLER. Excuse me. It was a white man.

Mr. HART. It was a white man?

Mr. BUEHLER. Yes.

Mr. HART. And the crime happened on an Indian reservation?

Mr. BUEHLER. That is correct.

Mr. HART. He was convicted by the jury?

Mr. BUEHLER. That is correct.

Mr. HART. That has been appealed on jurisdictional grounds to the supreme court of the State; is that right?

Mr. BUEHLER. That is correct. It went up on the 13th of September.

Mr. HART. And the question was jurisdictional grounds involving a white man committing an offense on an Indian reservation?

Mr. BUEHLER. That is correct.

Mr. MAXWELL. May I ask a question, Mr. Chairman?

Chairman LANGER. Yes.

Mr. MAXWELL. You say there are quite a few Indian families that moved in to Garrison?

Mr. BUEHLER. Yes; there is a large number.

Mr. MAXWELL. And were these children of these Indian people that moved in accepted or were they rejected by the white children of a comparable age?

Mr. BUEHLER. I would say that they were possibly more rejected than accepted.

Mr. MAXWELL. Then they didn't get to participate in all the activities that the white children got to participate in?

Mr. BUEHLER. I would make the distinction of ones of approximately high-school age who were attending school and those who weren't.

Mr. MAXWELL. Those who were attending school with the white children intermingled and shared activities?

Mr. BUEHLER. I would say a greater percentage of the ones in high school rather than grade school.

Mr. MAXWELL. I see.

Is it your opinion that maybe in a year, or 2 or 3 years, that there will be sufficient integration where the Indian children won't have to find their own sources of entertainment. They can go to shows with the white children, and participate in basketball games. Don't you think that will improve it?

Mr. BUEHLER. I will say it will, if the home situations can be improved.

Mr. MAXWELL. What is the economic situation of the Indian families that have move there?

Mr. BUEHLER. I can't go into all of it. I know your welfare worker here could and ours could, but in all of the cases where I have had to contact the parents and tell them about having their child before the judge no attention whatsoever is paid to that fact. No appearances are made and the child is left to shift for himself.

Of course, the same thing is true in a lot of the non-Indian cases, but I found that to be true in practically all of the juveniles that I have had to process.

Mr. MAXWELL. Thank you very much.

Mr. HART. Mr. Chairman?

Chairman LANGER. Mr. Kastler?

Mr. KASTLER. I have no questions at this time.

Chairman LANGER. Mr Hart?

Mr. HART. There is one more question I would like to bring out here.

Of the 15 cases of Indian children who were delinquent in Garrison, would you know how many of those children come from families receiving aid to dependent children funds, the State program, or lease money from the Indian service, or other unearned income, such as oil bonuses, and so forth?

Mr. BUEHLER. There are 15 children that I could name. They are not from 15 families. I could name 4 families or 5 who receive large amounts of money from lease payments and some of those same families now are receiving welfare payments. I couldn't go into the exact number.

Chairman LANGER. Thank you very, very much. We are much obliged to you.

Reverend Fox wants to say a few words, I think. Will Reverend Fox come forward.

STATEMENT OF REV. ROBERT FOX, CONGREGATIONAL CHURCH, TWIN BUTTE AREA, FORT BERTHOLD RESERVATION, N. DAK.

Mr. CHUMBRIS. Will you state your full name?

Reverend Fox. Robert Fox.

Mr. CHUMBRIS. And where do you reside?

Reverend Fox. I live in the southeastern segment.

Mr. CHUMBRIS. I understand you would like to say a few words to the subcommittee.

Reverend Fox. I would like to very much.

Mr. CHUMBRIS. What type of work do you do?

Reverend Fox. I am a minister.

Mr. CHUMBRIS. In which church?

Reverend Fox. Congregational Church.

Mr. CHUMBRIS. How long have you been there?

Reverend Fox. Two years. I represent the Twin Butte area, that is the southern segment, which has been called and probably will be called for the next few years southern segment.

I work with the Congregational Church. I am a resident minister and I am one of the committee members of the PTA organization, and I am also on the school board there.

I have with me some statements that were made by the people in the southern segment. It has to do with the inadequacy of the facilities over in our area.

It seems like as though our area has been left out altogether.

I have this statement which was taken down by the members of the area, and I would like to read it:

We, the southern side segment, known as the Twin Butte district, have been badly neglected. Our school is too small to accommodate our schoolchildren. Two old school buildings were put together and they didn't do a very good job of it.

Mr. Murray, the reservation principal, can verify these statements. Our dining room is much too small for the seventy-odd children who go to our school. We don't have any recreational hall for our children.

So we feel that you have sent out an investigating committee to our community and will help us in our problems.

Another problem that confronts us is that our teachers have changed so many times that it isn't right for our children. We feel that our segment wasn't surveyed right the way the buildings were set up. A person has to go through the lavatories to get to the next school room.

We might as well not have a councilman as we don't have any voice in our council. In fact, we don't have any councilmen in our community. There is a man that calls himself our councilman, but he lives in New Town and has lived there since 1950.

We also feel that the resignation of our former teachers, Mr. and Mrs. Grenod, should be looked into because Mr. Grenod was asking for a third teacher and also adequate school facilities.

We also should have a bridge. It is too far to go around by the way of Lost Bridge, and our bridge was taken away by the Army engineers and we didn't realize at that time what we were losing, and now Sanish Bridge is to be taken down.

These are some of the statements that were taken down last night. We met together last night to see if we could present some of our problems here to the investigation committee that is here this day.

One of the things that we discussed was, we don't have any health unit. Our doctor has given us his time to come over, but he has only given us an hour which the people feel is not enough. If the doctor is going to come over for 1 hour, they feel that he might as well not come. He should at least spend a half day with us or a whole day.

And then they mentioned also about our school system. We realize that we have schoolteachers who are well qualified. In fact, I believe we have probably on the Indian reservation the highest learned schoolteachers, but we don't have enough of them and we feel that in our school where we have seventy-odd children we have but two teachers, and a third teacher has been promised, and we feel that that promise is not enough. We feel that the teacher should be there now to take care of our seventy-odd children.

They are cramped into very small places like cubbyholes, for instance, and we feel that we need space enough to take care of all these children that we have in our school.

We are very much interested in our children and want them to get the best education they can get. Maybe if they get this education we might have a lesser problem here to discuss on the welfare or delinquency which has been discussed this afternoon.

I have a committee with me that came over that were to represent the south area.

Chairman LANGER. Will you give us their names?

Reverend Fox. At the last moment I was chosen as the spokesman. There is Johnny Star. Will you stand, Johnny, so they can see you? Mr. and Mrs. John Frederick and Kenneth Frederick, and one more that didn't come.

So these are the people who represent our area to come and voice their problems, the health unit, school—and have I forgotten anything?

Chairman LANGER. I just want to tell you, Reverend Fox, that I think you are absolutely right. We are sending thousands of schoolteachers all over the world and paying for them from the various universities. They go to Vienna and Germany and Korea and all over

the world, and yet in the United States, according to the national superintendent, the head of the Board of Education, we are over 300,000 teachers short.

The same thing is true about money. We gave away this year \$3,100 million, and at the same time we are suffering from a shortage of recreational space in school after school.

I am certainly glad that your district over there had the temerity and nerve to make the situation known, and I will make it known to the proper officials in Washington.

Reverend Fox. I forgot to mention law enforcement. We don't have law over there.

Chairman LANGER. What have you got?

Reverend Fox. Nothing, nothing.

Chairman LANGER. I would like to have this man testify who has charge of the law enforcement on the reservation. I met him today. He was introduced to me, but I did not have a chance to visit with him.

Do you solemnly swear that the testimony you are about to give in this matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COMEAU. I do.

TESTIMONY OF ORLIE COMEAU, SPECIAL OFFICER, BUREAU OF INDIAN AFFAIRS

Mr. CHUMBRIS. Will you state your full name for the record, please?

Mr. COMEAU. Orlie Comeau.

Mr. CHUMBRIS. And where do you reside?

Mr. COMEAU. At Minot right now.

Mr. CHUMBRIS. And how long have you been here on the reservation?

Mr. COMEAU. Well, I cover several reservations as a special officer.

Mr. CHUMBRIS. Would you, please, in your own words tell us what your duties and responsibilities are and which reservations you cover?

Mr. COMEAU. Well, I cover Fort Totten, Turtle Mountain, and Fort Berthold. My duties are investigating major crimes and assisting the Indian police and advising local officers.

Mr. CHUMBRIS. How long have you been in the enforcement field?

Mr. COMEAU. Since 1938.

Mr. CHUMBRIS. What type of work have you done since 1938, where, and what was your official position?

Mr. COMEAU. Well, in 1938 I was at Fort Yates as chief of police, chief of Indian police until 1942. Then I was made special officer at large and headquartered out of Fargo at that time, and I have since been special officer at large.

Mr. CHUMBRIS. Then in your experience you have served on all four reservations in the State of North Dakota; is that correct?

Mr. COMEAU. That is right.

Mr. CHUMBRIS. And you know generally the law-enforcement problems on all four reservations?

Mr. COMEAU. I do.

Mr. CHUMBRIS. Will you, please, explain what you find to be the greatest difficulty in law enforcement, if there is any, on the Indian reservations in this State, particularly Fort Berthold, if you want to confine it to that?

Mr. COMEAU. I just didn't understand—the greatest difficulty?

Mr. CHUMBRIS. Would you say conflict of jurisdiction?

Mr. COMEAU. I wouldn't call it any difficulty on that; no. I think we all pretty well understand.

Mr. CHUMBRIS. You understand the jurisdiction?

Mr. COMEAU. The jurisdiction. We have very good cooperation between all agencies.

Mr. CHUMBRIS. Are there sufficient funds to properly do the job of law enforcing?

Mr. COMEAU. I don't believe there is.

Mr. CHUMBRIS. You don't believe there are enough funds?

Mr. COMEAU. No.

Mr. CHUMBRIS. Could you estimate how much more funds would be needed, 50 percent more, 25 percent more?

Mr. COMEAU. It would take all of 50 percent more to adequately cover everything.

Mr. CHUMBRIS. Would that apply to just this reservation or all four?

Mr. COMEAU. All four reservations.

Chairman LANGER. What percentage of schoolchildren are out of school?

Mr. COMEAU. Oh, about 10 percent maybe, maybe less.

Chairman LANGER. That is a very good record?

Mr. COMEAU. As far as I know; yes.

Chairman LANGER. You would say the situation here in juvenile delinquency in Fort Berthold is the best of any of the four, would you?

Mr. COMEAU. I would say juvenile delinquency here is not any worse than it is any other place throughout the country. It is good here. It is not any worse than it is out in the white communities or any other place.

Chairman LANGER. As a matter of fact, it is better than in some white communities that I know of.

Mr. COMEAU. In some; yes.

Mr. CHUMBRIS. Are there any specific recommendations that you would like to make to the subcommittee?

Mr. COMEAU. I don't know of any.

Mr. CHUMBRIS. One thing is that there should be more funds for law enforcement?

Mr. COMEAU. Yes; there should be. They should have better transportation than they have to get around places. They are driving pretty well-broken down cars. They can't get around when they are called like they should. I believe there is a lot in that.

Chairman LANGER. Is it your job when they have dances in 4 or 5 places on the same night on the reservation to name an enforcement officer to be there?

Mr. COMEAU. No; that is done by the police chief.

Chairman LANGER. I mean in a locality where there is no chief of police?

Mr. COMEAU. We have no locality where there is no police chief.

Chairman LANGER. In Standing Rock Mr. Murphy names people that go there and police it, and I think always names an Indian. I was curious whether that was done on this reservation.

Mr. COMEAU. It is done by the chief of police here who is Mr. Killstunder right now.

Chairman LANGER. I want to thank you."

Are there any questions?

Mr. HART. Mr. Comeau, I would like to ask you a couple of questions.

You have been supervising law enforcement on this reservation for about 10 or 15 years?

Mr. COMEAU. Let's see——

Mr. HART. At least 10; is that right?

Mr. COMEAU. About eight.

Mr. HART. About eight. And you are relatively familiar with the conditions that are present on this reservation?

Mr. COMEAU. Yes.

Mr. HART. You say that the percentage of delinquency among the Indian children on this reservation is about the same as it would be outside the reservation?

Mr. COMEAU. Yes.

Mr. HART. How about the illegitimacy? Would that be about the same as it would be outside of the reservation, percentagewise?

Mr. COMEAU. As much as is called to my attention, I believe it is about the same.

Mr. HART. So the percentage of illegitimate births to legitimate births among the Indians would be relatively the same on the reservation as the percentage of illegitimate to legitimate births outside of the reservation, from your observation; is that right?

Mr. COMEAU. Yes.

Mr. HART. Now, there has been some showing made to this committee from some statistics that indicate that in the counties of Dunn, McLean, Mercer, and Mountrail the percentage of illegitimacy among the non-Indian people constitutes 1.7 percent of the non-Indian people of these counties named and that the percentage of illegitimacies of the Indian people in the same counties is 19.4 percent, which would be roughly 10 times more illegitimacies percentagewise among the Indians than among the non-Indians of these counties. That would be at variance with the observations that you have made over a period of about 8 years?

Mr. COMEAU. Yes; of all that have been called to my attention from my own observance of the thing.

Mr. HART. Well, your job is to observe things such as that among the Indians; is that right?

Mr. COMEAU. Yes.

Mr. HART. If your observations are incorrect and these statistics are correct, it would show a mistaken observation on your part; is that right?

Mr. COMEAU. Well, it might.

Mr. HART. Thank you.

Chairman LANGER. I take it, you haven't familiarized yourself particularly with illegitimacy off the reservations; have you?

Mr. COMEAU. I haven't made any study of it.

Chairman LANGER. You are interested in it on the reservations?

Mr. COMEAU. Yes.

Chairman LANGER. You are familiar with the fact, of course, that in this period, from 30 or 40 or 50 years ago, where Indians lived to-

gether under the tribal customs and thought they were legally married, that transition has been slow?

Mr. COMEAU. Very slow.

Chairman LANGER. Mr. Mills.

Mr. MILLS. Mr. Comeau, your territory covers quite a large area; does it not?

Mr. COMEAU. Yes; it does.

Mr. MILLS. Has it happened that you have had two investigations to make at the same time at opposite ends of the reservation and, if it has happened, was it any detriment to the law and order?

Mr. COMEAU. Well, we always call in the FBI or one of the other boys.

Mr. MILLS. And that works out all right?

Mr. COMEAU. It works out all right.

Mr. MILLS. What I was directing my question toward was to ascertain whether it would be necessary to divide up the district and have one man in each district so that you wouldn't have quite so much territory to cover or whether it would be necessary to have another man in the same capacity as yourself.

Do you have any suggestions as to what we could do to help out in enforcing law and order?

Mr. COMEAU. Get more help.

Mr. HART. Mr. Chairman, there is one more question I would like to bring out here.

According to the newspapers sometime back, I guess it was about 2 months ago, the story at least came out that 1 of the Indian boys on this reservation was causing some trouble and 1 of the Indian policemen got a deputy sheriff from Dunn County to assist him in making the arrest. As a result of that, the deputy sheriff shot the Indian boy; is that correct?

Mr. COMEAU. It was a county constable.

Mr. HART. The county constable shot this Indian boy?

Mr. COMEAU. He deputized another man to go with him as the county constable, and they went down to assist the Indian police.

Mr. HART. And then there was also the report in the newspaper to the effect that the Federal Bureau of Investigation and you, as a member of the Indian Service Police, was investigating the matter to determine whether or not this deputy sheriff had authority to be on the reservation; is that correct?

Mr. COMEAU. We investigated the case, yes.

Mr. HART. Has any action been brought against this deputy sheriff who was involved?

Mr. COMEAU. This case was taken into the Federal courts, and it was brought before the grand jury.

Mr. HART. Can you tell us what has happened?

Mr. COMEAU. No indictments.

Mr. HART. In other words, I am referring to this cooperation now. As the result of this accident, the Indian Service or the Federal Government did make an investigation and present to the grand jury the possibility of charges against this deputy sheriff who was assisting the Indian Service personnel at that time; is that right?

Mr. COMEAU. That is right.

Mr. HART. Thank you.

Chairman LANGER. The superintendent of schools, is he here?

STATEMENT OF ROBERT J. MURRAY, RESERVATION PRINCIPAL
OF SCHOOLS, FORT BERTHOLD RESERVATION, N. DAK.

Mr. CHUMBRIS. Will you state your full name?

Mr. MURRAY. Robert J. Murray.

Mr. CHUMBRIS. And your address?

Mr. MURRAY. New Town.

Mr. CHUMBRIS. And your occupation?

Mr. MURRAY. I am reservation principal of schools.

Mr. CHUMBRIS. And how long have you been principal?

Mr. MURRAY. I have been here about 7 months.

Mr. CHUMBRIS. And how long have you been in the educational field?

Mr. MURRAY. Twenty-seven years.

Mr. CHUMBRIS. Has that been with the Indian Bureau?

Mr. MURRAY. Twenty-four years in the Indian Service.

Mr. CHUMBRIS. And you have been at different schools throughout various reservations in the United States?

Mr. MURRAY. Yes, sir.

Mr. CHUMBRIS. Where is your school located?

Mr. MURRAY. The schools that I have charge of are the segment schools, the western, eastern, northeastern, and southern.

Mr. CHUMBRIS. And the local school, the new school that we have here, is that under your jurisdiction?

Mr. MURRAY. No, sir.

Mr. CHUMBRIS. Which jurisdiction is that?

Mr. MURRAY. That is a local school district, operated by the New Town school district.

Mr. CHUMBRIS. Is that State operated?

Mr. MURRAY. That is State operated under the State department of education.

Mr. CHUMBRIS. Would you, please, state in your own words the situation of education in the schools under your jurisdiction, the type of courses they give, and the improvement of the conditions?

Mr. MURRAY. Well, the conditions at the present time are very upset because of the relocation. Our two large schools are not even completed yet. We had to move out of Elbowoods last year because of the flooding, and the schools were not completed. We had to move our materials and supplies to any place that we could find in order to get them undercover.

The schools were scheduled to be completed sometime ago, but they aren't completed yet; but we are using them. We started school just a week ago, October 4, in the two large schools, and we are using what facilities are available there to start school.

Mr. CHUMBRIS. Are there any children attending this New Town school?

Mr. MURRAY. Yes.

Mr. CHUMBRIS. Under what arrangement?

Mr. MURRAY. Under arrangement with the Johnson-O'Malley Act with the State department of education. The contract is made directly with the State department of education in the Indian Service.

Mr. CHUMBRIS. Do you keep track of the progress of the Indian children in that school?

Mr. MURRAY. As close as I can; but I don't have any jurisdiction or responsibility for it.

Mr. CHUMBRIS. In the schools under your jurisdiction has there been a tendency to have courses which are adaptable or more acceptable to the Indian youth?

Mr. MURRAY. Our present requirements are that they follow the State course of study.

Mr. CHUMBRIS. The State course of study?

Mr. MURRAY. Yes.

Mr. CHUMBRIS. What is the reaction of the Indian youth to that course of study?

Mr. MURRAY. I think they react very favorably.

Mr. CHUMBRIS. They like it?

Mr. MURRAY. Yes; and the parents like it particularly well.

Mr. CHUMBRIS. Is that your experience in this particular locality?

Mr. MURRAY. Yes, sir.

Mr. CHUMBRIS. Was that the same experience that you had in other reservations in other parts of the country?

Mr. MURRAY. It has gradually worked up to that through the years. Many years ago the adjustment had to be made with the Indian children who came to the school who were non-English-speaking children, and many adjustments in the curriculum had to be made in order to meet the situation where we had non-English-speaking children. And we had children 16 years old in the fourth grade and where they were just getting through an elementary school. That was many years ago.

And gradually now it has come to the point where in practically all the schools in this area the Indian children are able to do the work the same as any other children and for the most part they start school on time and they can follow the State course of study straight through.

Mr. CHUMBRIS. Is it not a fact that studies have shown that in many years past the Indian youth didn't appreciate the academic subjects but preferred the ones in which they could make use of their hands, make use of their physical ability, their ability for athletics?

Mr. MURRAY. May I make an observation there?

Mr. CHUMBRIS. Yes.

Mr. MURRAY. My observation is that any children like to be recognized and like to be equal, and where we have a language handicap, where we used to have with the Indian children, many times that these art abilities, these things with their hands and athletics, tended to be a place where they could start on an even footing.

Mr. CHUMBRIS. And today they have gradually assimilated?

Mr. MURRAY. Into the other things and are on an equal footing, I would say, all the way through.

Mr. CHUMBRIS. Isn't that a good sign, if we will take that example in the field of education to other fields, to show that as the Indian assimilates with the non-Indian population he will also become adjusted to that way of life and improve in all factors of life?

Mr. MURRAY. I think so. I would agree with that 100 percent.

Mr. CHUMBRIS. And as we get more and more into this assimilation program and into its customs and its way of life and against these obstacles of, as you say, customs, illegitimacy, we will have less tendencies to juvenile delinquency?

Mr. MURRAY. I believe, sir.

Mr. CHUMBRIS. And also our law and order on the reservations will improve as these conditions grow in the same light as in the educational field?

Mr. MURRAY. I believe so. I am a firm believer that there is no substitute for time when you are dealing with people.

Chairman LANGER. Do you want to make any observations of your own?

Mr. MURRAY. Not necessarily, unless there is some specific point.

Chairman LANGER. How much does New Town get per pupil under the Johnson Act?

Mr. MURRAY. I don't know, sir. That figure has not been released to us yet. The State makes a contract with the Indian Service under the Johnson-O'Malley Act, and then they prorate this money out to the schools under a formula that has been worked out between the Indian Service and the State department.

To be frank with you, the schools, I believe, only about a week ago got paid for the first semester last year, and those figures have not been given out.

Chairman LANGER. You mean they are a year behind?

Mr. MURRAY. That is right, sir.

Chairman LANGER. You should write me a letter about that. I want to find out why they are a year behind.

Mr. MURRAY. I think part of it was from the schools themselves. They didn't get their reports in, sir.

Chairman LANGER. Can you tell us?

Mr. HART. Senator Langer, that is a matter of extreme controversy which I believe will be answered fully on Thursday in the hearing at Bismarck as to the difficulties the State of North Dakota has had in getting a contract which the State thought was fair.

Chairman LANGER. I am making a note and will take it up Thursday in Bismarck.

Mr. CHUMBRIS. I show you a chart. Does this reflect what States get under the Johnson-O'Malley Act and what proportions and how much per capita?

Mr. MURRAY. I am not fully acquainted with it, but I have seen it.

Mr. CHUMBRIS. That is the nature of the charts that they put out?

Mr. MURRAY. Yes, sir.

Chairman LANGER. Do non-Indian children go to the same schools?

Mr. MURRAY. Yes, sir. We are trying to work out at the present time a program in our eastern segment school where the school district in the surrounding area, the white population are interested in taking advantage of the beautiful new school that has been built there and trying to make some sort of agreement. We have lots of problems in it. We have a meeting scheduled with the State department to try to iron out any legal difficulties that we might have, and they are trying to work out a cooperative agreement so that the Indian Children and white children may go to school and make it all one school. We do, however, take in all of the white children that are in the area that the school serves.

Chairman LANGER. The Supreme Court is very much interested in your experiment here because they are considering that, as you know, in the month of December in connection with the Negro children.

Mr. MURRAY. We have Negro teachers in our schools and Indian and white teachers.

Chairman LANGER. They all get along fine together?

Mr. MURRAY. They are all fine people.

Chairman LANGER. If you write me a letter, I would be glad to submit it to the Supreme Court because they would be interested in how you do it.

Mr. MURRAY. It just happens that way, sir. We don't think of it as being a problem. It just happens that way.

I would like to make this statement, however, in answer to the southern segment, that just this morning through a long-distance telephone call and a lot of difficulty we did get their third teacher down there.

CHAIRMAN LANGER. Is Reverend Fox here?

Mr. MURRAY. I told him that. And we do recognize the problems of the school down there, which are very serious, and we are going to do everything we can to try to eliminate that.

Mr. HART. Mr. Chairman, in this reservation they started an experiment last year in foster-home care of education. I mean boarding-home care of education. Last Friday we had a summary of that as to 50 students who attended the outside fringe schools under the boarding-home care program. This is of enough importance that I believe it would be worth the while of the children to ask Mr. Murray, who is familiar with it, to give a short statement on it because it has been a tremendous success and it is in the direction of nonsegregated education.

Chairman LANGER. Thank you, Mr. Hart.

Would you do that?

Mr. MURRAY. Last year a program was inaugurated by the Indian service at the suggestion of many of the people who were interested in it for a boarding-home care program for the high-school students. As you probably are familiar, when the reestablishment of the schools took place on the reservation, the idea of having a high-school was vetoed. We only had elementary school, no high school.

So provisions had to be made for the Indian youngsters in high school some place. So they inaugurated a program for boarding home care for children attending high school in the surrounding area. In other words, we have at the present time 17 of our Indian high-school students attending school in New Town and the Indian service, through the educational division, pays their room and board in town, and then the school is reimbursed, of course, by the Johnson-O'Malley Act.

I don't have the figures here, but we have 50 high-school students in the towns of Parshall, Garrison, Killdeer, Watford City, Dickinson, and New Town attending high school.

That is more or less of an experiment because it has not been done in this area previously and so far the students have been very well accepted. I believe that that was the students that the gentleman from Garrison was referring to when he said the high school students got along very well there and assimilated themselves. They have taken part in all the activities, the educational opportunities that are there, and we hope that it will be successful.

We know that there are lots of problems. And we have difficulty getting suitable homes at times for them to stay in. So far we have been successful in getting at least acceptable homes for the children

to stay in and, with the approval of the office, we hope to enlarge upon that program. The rest of our children are going to high schools in Flandreau Reservation schools.

Mr. MILLS. The superintendent here advised me that his report was in on time for the school here in town.

Mr. MURRAY. I am speaking from Mr. Leroy, the State department of education representative, who told me that the reason that it wasn't paid was because some of the schools—you understand that all of the schools have to get their report in on time because if they don't they have to prorate it out, and then arrive at a prorated amount of money in which they have a total sum, and if all of the reports aren't in, they didn't get them, and we have to check them for eligibility.

Mr. MILLS. Then the point is that his report could have been in on time and some of the others not?

Mr. MURRAY. That is right, sir.

And the fact of the matter is that I know that that is true because they sent them in for us, and I just put them in the mail for the second semester yesterday.

Chairman LANGER. Thank you very much.

Mr. MURRAY. Thank you for your courtesy.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHANE. I do.

Chairman LANGER. This is our last witness. Is there somebody here that wants to say something afterward?

TESTIMONY OF RALPH M. SHANE, SUPERINTENDENT, FORT BERTHOLD INDIAN AGENCY, N. DAK.

Mr. CHUMBRIS. Will you state your full name?

Mr. SHANE. Ralph Morton Shane.

Mr. CHUMBRIS. And your occupation?

Mr. SHANE. Superintendent, Fort Berthold Indian Agency.

Mr. CHUMBRIS. How long have you been superintendent?

Mr. SHANE. Seven months.

Mr. CHUMBRIS. Prior to that time what did you do?

Mr. SHANE. I was a road engineer with the Indian service for 3 years.

Mr. CHUMBRIS. What other experience have you had with the Indian agency?

Mr. SHANE. I have been a road engineer with the Indian service for the past 18 years.

Mr. CHUMBRIS. Most of your work has been on the various reservations?

Mr. SHANE. I have been on eight different reservations in the United States.

Mr. CHUMBRIS. Therefore, you have gained valuable experience as to the operation of reservations on Indian affairs; is that correct?

Mr. SHANE. I have acted as acting superintendent in many instances.

Mr. CHUMBRIS. Now, in the 7 months that you have been superintendent of this reservation here at Fort Berthold, will you please

state how you find the operation of the affairs of the reservation? I realize you have several categories, and you can take them in whichever manner you choose.

Mr. SHANE. I will say at the outset that I am very well satisfied with everything in general at Fort Berthold. I think the situation in general at Fort Berthold is operating quite satisfactorily.

Now, I will take law and order first, which is one of our big problems, because of the segmentation of the reservation due to the Garrison reserve water making it difficult for us to have access to the various segments with only one Federal officer available. The distances are so great that it is a handicap for many to reach the segments and watch all of the five segments adequately. This is also made worse by the fact that the travel expenses of the travel officer are limited in the appropriations and the automobiles that the law-and-order setup have to operate with are usually of pretty low standard. So we do have difficulty in our law-and-order program in access to our area and the distance of travel.

I don't think that the crime element on Fort Berthold is anything to be alarmed about. I think that any area comparable in the State has the same law-and-order problems that we do as far as crime is concerned.

Now, the point of the medical situation has been brought up by the people of the south segment. Two years ago the hospital at Fort Berthold, at Elbowoods, was abolished, and at that time we set up a program of medical care on the basis of an outpatient clinic with contracts with the various hospitals around the perimeter of the reservation.

Now, at the outset the people seemed quite concerned over getting adjusted to the medical program of that type, chiefly probably because they weren't accustomed to it, but as they have become accustomed to the medical program using contracts with perimeter hospitals, I think most of the people realize that they are getting a better service than they had before.

There are some inadequacies in the setup in that we operate the clinic, the outpatient clinic, with a contract here at New Town at the present time, and all of our Indian people or most of them, except in emergency cases, are supposed to filter through our local hospital and our local clinic and are assigned to the hospitals by our contract doctor.

Now, in some cases the people must travel distances, and it is particularly true in the south segment. Those people have to travel 110, 115 miles from their homes to filter through the clinic at New Town. We have only the one doctor, and that is all we are able to take care of with the appropriations that we have for our medical program, and it is impossible for him to conduct enough clinics in the segments to give them the service that they would like to have.

The education program was quite well discussed by Mr. Murray, and I am particularly proud of the way our reservation education program is working out particularly from the standpoint of this boarding-home care for high-school students. I think it is an experiment that is going to prove valuable as an example for education principles throughout the Indian service, and I feel that the Indian students are doing well under the program, the parents are well

satisfied with the program; and I think it is definitely an advantage to the Indian students in the way of going to a nonsegregated school.

The stockmen's association has brought up the point of inadequacy of the loaning program. I quite agree with the statements that were made earlier today by Mr. Landbloom that if the financing of Indian loans could be handled through the FHA I think the program would probably be more satisfactory.

Now, the program of cattle loans, and so forth, on the reservation has not been intended to give full coverage for the enterprise of the Indian people. It has been intended as an assistance to them and it has been advocated that they try to get the regular credit arrangements that any other individual would in the community from the banks and from the Federal Housing Administration, or FHA, and so forth. And the program I feel has had its top limitation too low to actually completely finance an Indian enterprise to the point where they would be able to make a full living with the enterprise that they are able to establish with that top limitation.

Chairman LANGER. Any questions, Mr. Hart?

Mr. HART. Yes, sir.

Mr. SHANE, several times we have discussed this alleged 20 illegitimate children, and you were going to make a report on it as to what effort had been made by the Indian service or the tribal court to establish parentage. I am referring to those illegitimacy cases which were brought out during a medical meeting we had here in the Fort Berthold interagency committee.

Would you be able to tell this committee and Senator Langer what effort has been made to establish parentage in the 20 cases involved? The subject first came up I believe a year or year and a half ago.

Mr. SHANE. In the first place, it is up to the mother of the illegitimate child to file a complaint and start action for establishment of paternity. Wherever a case of welfare is involved where there is going to be aid-to-dependent children the mother is advised that she cannot become eligible until such time as she goes through the procedure of determining the paternity of the child and we, in every case where it has come to our attention through a welfare plan, have advised that they have to make themselves eligible by establishing paternity.

Mr. HART. Will you now tell us what, if anything, has been done as to the 20 cases involved in the discussion we have had over these various meetings of the Indian Affairs Committee? Or if you don't know, or haven't looked it up, please inform us as to that.

Mr. SHANE. I don't know the exact number, but wherever one of these cases has come up as a welfare problem the case has been taken through the normal channels.

Chairman LANGER. You have not answered the question. He wants to know how many of the 20 you have taken care of.

Mr. SHANE. I don't know.

Chairman LANGER. Will you look it up and let us know? Your records will show it over there?

Mr. SHANE. I believe it will.

Mr. HART. Will you also tell me who is superintendent of the police force on this reservation?

Mr. SHANE. Mr. Killsthunder is the chief of police. He works under me.

Mr. HART. You are the superintendent of the reservation and, consequently, you are the superintendent of the police force, is that correct, under the Code of Federal Regulations, section 25?

Mr. SHANE. He works for me, yes.

Mr. HART. And you have a certain amount of supervision over the police force?

Mr. SHANE. Yes.

Mr. HART. And in the ordinances that you have here is there an ordinance to establish parentage of illegitimate children?

Mr. SHANE. I am not sure on that. But I don't believe it is necessary until the mother of the child makes the complaint or it becomes a welfare problem.

Mr. HART. Do the provisions in the tribal code require this mother to make the complaint?

Mr. SHANE. That is my understanding.

Mr. HART. You are familiar with the tribal code, are you not?

Mr. SHANE. I haven't checked that point recently, no.

Mr. HART. The next question I would like to ask is this: There is some oil on some of the land in this reservation—

Chairman LANGER. Before you leave that, could I ask you a question?

Where the mother doesn't make a complaint, as he said, the more children that are illegitimate the more money she gets from the Federal Government.

Mr. HART. The more she gets from the State of North Dakota under the aid-to-dependent children.

Chairman LANGER. The more children she has, the more money she gets out.

Mr. SHANE. She wouldn't qualify for aid-to-dependent children.

Mr. KASTLER. Before she could qualify for funds for aid-to-dependent children she must bring an action for a paternity suit.

Chairman LANGER. Let us get that straightened out about a woman having 5, 6, 7, 8, 9, 10 children and getting paid for each of them.

Mr. HART. She gets paid under the aid-to-dependent-children program, and if I am wrong, correct me. She gets paid under the basis of need under the program set up by the Federal Government, set up by the State. The more children, consequently the more need she has and consequently a bigger check.

Chairman LANGER. She gets it without filing a complaint?

Mr. HART. Yes, sir; there is no need that she file a complaint to establish paternity of the child. The law of North Dakota provides that if the mother does not file a complaint those charged with or likely to become charged with the welfare of that illegitimate child or the welfare of the child do have the responsibility for filing a complaint in the State court.

Chairman LANGER. Would you say that the superintendent has or has not that responsibility?

Mr. HART. I say, and my contention is, that he has the responsibility to see that law enforcement is functioning particularly in the area of establishment of parentage for two reasons. One is to relieve the Federal Government or the State of North Dakota from, in some cases, paying as much money for aid to dependent children. Two, I say he has a much greater responsibility on this reservation than on any

reservation in North Dakota because there is oil and the potentialities of oil on this reservation.

The Secretary of the Interior in the field of inheritance will consider only the record established by the Court of Indian Offenses as to the parentage. It will affect who inherits this property. There are many innocent children and where the parentage is not established they may be deprived of valuable oil rights running to millions of dollars.

For instance, during the last year I believe that over \$1 million was paid to 4 families on this reservation as a result of oil bonuses or oil rights according to the Minot Daily News. We are now dealing with the subject in not just hundreds of dollars every year. We are dealing in the area of millions of dollars affecting innocent children who may be deprived of a proper inheritance by not having this illegitimacy established. It is the contention of the State of North Dakota, Mr. Chairman, that this is a highly important subject.

I would like to call the chairman's attention to section 30 of the code of the tribe, of offenses for this reservation, and I ask that it be made a matter of record.

Chairman LANGER. We will make it a part of the record.

Would you like to read it?

Mr. HART (reading):

Any male Indian who has or had sexual intercourse with an unmarried woman and as a result thereof she delivers a child shall be deemed guilty of an offense and upon conviction therefor shall be sentenced by the court to pay a sum of money not to exceed \$300 per year for 10 years for the support and maintenance and education of said child.

I believe that in the civil section there will be another part that will establish the parentage. This was just now handed to me and this is in the criminal section I believe.

Mr. MILLS. I believe so.

Mr. KASTLER. Would you read the civil section, too, please? It is marked there.

Chairman LANGER. You read it.

Mr. KASTLER (reading):

Section pertaining to paternity. Section 23. Determination of paternity and support. The Fort Berthold Indian court shall have jurisdiction of all suits brought to determine the paternity of a child and to obtain a judgment for the support of the child. A judgment of the court establishing the identity of the father of the child shall be conclusive of that fact in all subsequent determinations of inheritance by the Fort Berthold Indian court.

Now, Mr. Shane, would you state how and when you require a mother of an illegitimate child to bring a paternity suit before receiving ADC relief?

Mr. SHANE. That is handled under my welfare worker, and I am certain that before any woman is granted aid to dependent children she is required to determine or have determined the paternity of the child.

I would like to make one more point, and I think possibly there was a misunderstanding a while ago. The question was asked as to whether or not I am the superintendent of the police force on the reservation. I am superintendent over the chief of police, our Federal officer. I have nothing to do with the tribal court nor the tribal police. I wanted that point understood.

Mr. HART. That is correct.

Thank you for the time.

Chairman LANGER. Do you think, Mr. Hart, that it is part of his job to find out who these fathers are?

Mr. HART. I believe that it is the duty of the superintendent, who is the representative of the Federal Government on an Indian agency, to do all that is necessary, one, to see that a court of Indian offenses is functioning and functioning properly; two, to see that the police force is functioning and functioning properly.

I feel that it is his duty in the protection of the mother, in the protection of the child, to do each and everything within his power to see that the courts are functioning and, because it is the responsibility of the Government, his guardianship of the Indians, having control of their property and having the responsibility to take care of law enforcement, that it is his responsibility to see that it is done and, if not, to carry it up the ladder, including to you in Congress, to see that everything is done.

Chairman LANGER. If the law is there, there is nothing that Congress could do. It would be a matter to take up with Commissioner Emmons.

Mr. HART. I think the area director has a greater responsibility than the superintendent, and I believe that the Commissioner of Indian Affairs has a paramount responsibility, and I believe the Secretary of the Interior has a responsibility to see that that is done and, if not, he has a responsibility to Congress.

Chairman LANGER. They found millions and millions of dollars worth of oil among the Navaho Indians down in New Mexico and they are certainly going to make it a point to see that the parentage is determined there, because I can see how important it is. It is on a very small scale here compared to what it is in the Navaho Indians.

Mr. HART. It is getting terrificly important on this reservation and on the Turtle Mountain. We are dealing in millions of dollars and not penny ante deals.

Chairman LANGER. The richest uranium fields in the world have been discovered in New Mexico and there you find a pound of uranium is worth \$2,000.

You see a small field sold for \$15 million. If we discover uranium in North Dakota this would be of greater importance than at the present time.

Mr. HART. I would like to add one thing. If there is no one that is responsible to see that this is done I believe Congress should act and get a law to see that it is done and impose that responsibility on the Secretary of the Interior. If I am wrong in my thinking, I think it is up to Congress to get on the ball and do something.

Chairman LANGER. Thank you, very, very much.

You want to make a statement, do you? Sit right down and give your name and address.

STATEMENT OF CARL WHITMAN, JR., PARSHALL, N. DAK.

Mr. WHITMAN. Carl Whitman, Jr., member of the three affiliated tribes, Parshall, N. Dak. I reside right in the reservation.

Mr. CHUMBRIS. Do you have any official capacity with the reservation?

Mr. WHITMAN. No; I do not. I was formerly chairman of the tribal council.

Mr. CHUMBRIS. When was that?

Mr. WHITMAN. 1948, ending 1950.

I have been asked to read this to the committee for somebody. I have been handed it and thought I would read it.

MY DEAR SENATOR: There is nothing new that I can cover at this time by way of discussion on the per capita payment. I am opposed to a per capita payment for two reasons. My first reason for opposing it is that we never accepted the five-million-or-some-odd dollars and I am also opposed to any program using the flood money. If we use all the money there isn't a court in the world that will listen to us.

Wake up my fellow Indians, wake up! Don't use any of the flood money for any purpose whatsoever.

Jess Smith, Joe Pakineau, and myself are ready at the present time to testify that we never accepted the \$5,160,000. Our former attorney, R. H. Case, can also testify in our favor.

My second reason for opposing payment is because Martin Cross uses such payments as one of his planks, on his platform.

Thank you for reading and listening. I am one of you.

MARK MATTEAU.

I would like to hand that in.

There is another one that was handed me. This we can dispose of rather quickly. It is from an Indian from this reservation who is working down there and her boy is going to college and here is what she says. She says:

Carl, if you get a chance at this committee, please ask Senator Langer why they can't give a student \$1,000 a year for college work instead of only \$500. I have had to dig up \$500 some place to complete Rudy's college this year. It took so long getting it.

The limitation—Mr. Landbloom knows the answer. The superintendent knows that it is one of the regulations that is pretty well obsolete and something should be done to change it to fit the present expenses that they have to face.

Chairman LANGER. Mr. Landbloom, what is the limit now?

Mr. LANDBLOOM. It is \$500. We would be very much in favor of that \$1,000. The \$500 is inadequate for 1 year of schooling.

Chairman LANGER. Let the record show that.

He is with you. You have made one convert.

Now, go ahead.

Mr. WHITMAN. I have been asked to make a few corrections in the testimony here made by Martin Cross. One of the ones was that James Hall is delinquent. He handed in what is due on November 1, so he wouldn't be considered delinquent until after November 1 in the event he does not pay his loan.

Another statement made by Martin Cross here today was that he did not sit on loan committees. I happened to appear before the loan committee when he sat in on a committee.

Another is that the association, the stockmen's association had presented more than one resolution to be processed by the council and it was never done. It was presented there and Martin Cross said nothing has come before them.

That is the correction that I have been asked to make.

Another thing is a lot of these people here, as you can see, want this per capita payment arising, or money that was awarded these people in connection with the taking of their lands. As you remember, Senator, section 12 under which the \$71½ million was appropriated under Public Law 437, October 29, 1949, \$71½ million was authorized to cover payment of any tangible or intangible damages arising out of the construction of the Garrison Dam.

Now these people are sustaining these intangible damages; therefore, are entitled to that payment. They should get it.

One of the things is like it has been testified by the Bureau that the Bureau takes care of the hospitalization. They pay for the medical and the hospitalization. What they don't pay is the Indian coming from his home spending his time. I am talking about the relatives that have to spend their time with their sick. They spend their time going up there and spend more money to stay in a hotel and for food, and so on. The Bureau don't pay that; and that hospital is abolished because Garrison Dam was built.

Another reason one of the intangibles I can point out is that high school was abolished as the result of the Garrison Dam and the Indians have to go out here. There are several who value the love of their little ones, who consider the environment necessary to their children and have to rent homes. When they have to rent homes that means they have to put out extra expenses coming out of their pocket in which they don't get what this money was put out for.

Because of the Garrison Dam, they put the reservation here and, as a result, the people from the southern segment have to go around, making some 100 miles. That comes out. They don't get paid. From that basis they are entitled to the per capita payment.

I have been accused of being opposed to the per capita payment. All I stated was that I interpreted the law that money was set aside to cover the relocation and payment of land and that they couldn't get the per capita payment until all those things under which it was outlined were completed.

Now I feel that they are completed, except for 1 or 2 cases that have to be moved, and it is pretty well estimated what that will cost. I think that the Senator should assist us in every way possible to get that. The Secretary of the Interior has authority under, I don't remember what it is. Public Law 843 I think it is.

Chairman LANGER. Mr. Kastler is representing the Department of the Interior.

Mr. WHITMAN. You do too with the \$71½ million appropriated under Public Law 437. The Secretary has authority it says.

Mr. KASTLER. There is legal authority to make the per capita payment. I am not as familiar with this, I might mention, as Mr. Graham Holmes, the field solicitor out in this area.

Chairman LANGER. We haven't heard from Mr. Holmes yet.

Mr. HOLMES. I don't think there is any question or argument but what the Secretary of the Interior has at the present time legal authority to make certain per capita payments from the fund that Mr. Whitman is talking about. Whether or not per capita payments are made or not made is an administrative decision and has been made in the other way by the Secretary or by the Commissioner of Indian Affairs.

Mr. WHITMAN. But you do recognize that these people are now sustaining these intangible damages.

Mr. HOLMES. That is what the appropriation was for. Everybody recognizes that they suffered damages and the money was appropriated for the elements of damage that they suffered for the reason of construction of Garrison Dam.

Mr. WHITMAN. By all legal right they should get it.

Mr. HOLMES. That is an administrative decision not for the legal division to make.

Mr. CHUMBRIS. What recommendations do you make to this gentleman and his delegation?

Mr. HOLMES. I wouldn't have any recommendation to make. I feel that they have been advised and are proceeding in the only manner that I would advise them to proceed.

Mr. WHITMAN. We are incompetent Indians you must bear in mind.

Mr. HOLMES. It is an administrative decision and the administrative decision has been made the other way by the Commissioner and Secretary. It is not at this time a legal question at all.

Chairman LANGER. What are they doing with the \$7½ million?

Mr. WHITMAN. Part was paid out in per capita payments. At the time when I was a councilman I managed to get \$2½ million in per capita payment at that time because I felt that they were suffering for the damage.

Mr. HOLMES. Two per capita payments have already been paid from the fund. He is talking about another per capita payment which is, as I have said, an administrative decision within the discretion of the Commissioner of Indian Affairs and Secretary of the Interior.

Mr. WHITMAN. I have heard you gentlemen over at Standing Rock on this, and I think it can be quickly disposed of because we have Indians who cannot talk, speak English, and I am talking about old people, who may be getting therapeutic processes in hospitals.

A lot of those cases it is merely old age, not any sickness of any kind that requires confinement; but who are unable to talk English. These people don't fit this outside hospitalization business, and merely because of our winter conditions, and so on, I realize it is very good, but I am still in favor and I am still fighting for a hospital to be reestablished on the reservation and you have already stated over there that those should be reestablished. So that part I know I will get your support on.

Chairman LANGER. What is your next one?

Mr. WHITMAN. The next one is the high schools on the reservation within the boundaries of the reservation. We want 2 high schools, 1 in the western and 1 in the eastern. I want to point out here that those high schools should not be a segregated high school because Roseglen and Raub in the eastern segment do not have any high schools in that particular territory and that benefits the non-Indian as well as the Indian; and the Garrison or McLean County has its own school problems merely because of their lack of high-school facilities in that territory, and we will be doing the State some good as well as some good for the Indians. And those are some of the things that I wanted to bring out.

Now, I would like to touch on this juvenile delinquency. I believe your home environment, how the parents behave has a lot of bearing

on the development of a child. When I say "home environment" I am talking about these particular cases. It has been pointed out by numerous witnesses here and in Standing Rock that better homes should be built.

I read of an article written by a psychoanalyst in Collier's where his theory was that either you have this moneymaking aptitude or you don't. Some people have it naturally and are aggressive along that line. I think the same thing holds true and you will see that proven right along the line.

Merely because the Indian lives in poverty it seems that when he gets off the reservation and finds work that he has a straight route into the slum section of the city. It seems he feels at home there.

If these homes were improved, it will instill in that child the desire upon reaching maturity to have a home like that for herself or himself.

I think there was some development in Chicago where they put out millions of dollars in a house development program and as a result in a long-range program the city of Chicago saved, figured they would be saving money in terms of curbing juvenile delinquency, fire, the police, and so on, social workers, and everything.

I think that same principle should be applied here only in this case the United States Congress should appropriate enough money to build good homes. It will be an investment for the future to eventually eliminate this juvenile delinquency or the running around.

Now in this reservation, our reservation is cut into five different segments.

Chairman LANGER. Before you leave those homes, I want you to know we put up a terrific fight to get those homes. The President sent down a recommendation for \$400,000. The best we could get through Congress was \$35,000 a year or \$140,000 over a 4-year period, and I just wish you would bring all the pressure you could get to bear all over the United States among your friends on those Senators or Congressmen who voted against more than \$140,000, because it doesn't begin to touch that.

Mr. WHITMAN. I am glad to hear that. I have some knowledge of the white man's politics, and I have used it to good advantage.

Chairman LANGER. Well, you keep on using it.

Mr. WHITMAN. In our reservation, merely because of the construction of the Garrison Dam it has disrupted community organizations where organizations are uprooted and neighbors are shifted.

I was enlightened by the testimony that the juvenile delinquency isn't very higher, but I feel that it is going to come higher if we don't do something at this time because after the people are relocated the change of environment, the change of neighborhood is going to tend to increase your juvenile delinquency on the reservation.

I was amused here about the influence of the white man, and the white culture. Our old Indian culture was this: We lived in a village. The kids were given to the grandparents to take care of, to show them the ways of life, the customs, and so on, how to behave. Now because we are spread out, the grandmothers, and so on, are unable to carry on their duties that they used to have, and as a result they have to have some other substitute.

Now, I realize one of the tendencies of the child is to, in his mischievous way, seek adventure. He likes to do dangerous things. He doesn't mean any harm by it. It is a personal dare or something.

In this reservation we have a lot of these kids who go out and instead of getting into stuff and breaking things they ride calves or ride colts, or something.

In my own case, I haven't relocated yet, but when I do relocate, and I have this in mind, while I was in the council when we make these relocations, we should have had recreational facilities provided right at those homes and, insofar as I am concerned, I am trying to curb, control my kids, and I want to make their home just as attractive from the little kid on down. At my present home I built the dam where those kids go down swimming. Basketball, goals, and stuff should be put up.

If you do that your neighborhood kids are going to come there and play with your kids, and you can't help but supervise it. They have to have an outlet for that energy. When I move, I am figuring on building a chute. Instead of trying to tell my boy not to ride in the rodeo or anything, or don't ride these calves, I am going to put chutes in there, so that I will be there in case he gets hurt, because he is going to ride those calves whether I am there or not, anyway. So I would rather be there, so in case he gets hurt I will be able to take care of him and take him somewhere.

Those are some of the things that should be thought of by the people. It is our problem as well as John Hart's who always likes to say, "Indian problem." It is a Federal responsibility, and so on, but we are all responsible. We should try to shift that blame on somebody else.

One of the things that Mr. Murray had testified here was the boarding room school. My girl Sharon is going to Flandreau. I tried to get her into one of those boarding-home deals, but I couldn't because last year she had to go to Flandreau, because I was still down there, and I didn't have any place to send her; as a result, they had brought up a policy that if they went to Flandreau once, they had to keep going there, and if they want to go to the local high school, I am supposed to bear the expenses, and I don't have any money to do it.

However, I don't want my child home merely because of my influence. Not only my influence, but my child is young only once and is going to get away from home soon enough without having to chase her out while she is still a small child.

Those are some of the things that I wanted to bring up.

If there are any questions, I would like permission about one thing. I said I would make it short. I want to write a statement and send it in, covering these other fields.

Chairman LANGER. You get it in within the next 10 days, and it is all right.

Mr. WHITMAN. Send it to your office?

Chairman LANGER. Send it to our office. When you get your home relocated and get this dam where the children are going to go swimming and the chute where the calves are going to come out, you invite John Hart, because he will want to see it.

Mr. WHITMAN. I will do better than that. I want to see him ride one so we can get rid of him.

Any questions?

Mr. HART. Senator Langer, I would like to ask one question, if I may.

You say your daughter is going to a boarding school at Flandreau; is that correct?

Mr. WHITMAN. That is correct.

Mr. HART. Do you know how much it costs the Government to send your daughter to this boarding school in Flandreau a year?

Mr. WHITMAN. I don't have any idea.

Mr. HART. Would you estimate that it would be in the neighborhood of \$1,000?

Mr. WHITMAN. I couldn't even estimate.

Mr. HART. In your opinion would it cost the Government any more if they were financing a boarding-home care program for your child so that your child could attend the local public school?

Mr. WHITMAN. I think the cost should come second and the home environment should come first.

Mr. HART. I am asking the question about cost. Do you believe the cost would be cheaper to the Government if they financed a boarding-home care proposition for her to attend the public school?

Mr. WHITMAN. I would like to say, "Yes." If you could help me along that line, privately, I want my daughter home.

Mr. HART. In other words, you say if it would be cheaper, you would prefer having her here?

Mr. WHITMAN. I would like to have her here, under any event, without any additional cost.

Mr. HART. Thank you.

Chairman LANGER. Thank you very much.

I call Mr. Rohde.

STATEMENT OF HON. T. O. ROHDE, VAN HOOK, N. DAK., MEMBER OF THE NORTH DAKOTA STATE LEGISLATURE

Chairman LANGER. Mr. Rohde, you are a member of the legislature.

Mr. ROHDE. Yes, sir.

Chairman LANGER. You are familiar with the fact that the Governor at the request of some of us at a meeting in Bismarck said he would set aside a week of the time at the legislature at which time to take up Indian problems. I would like your reaction. Do you think that is a good thing?

Mr. ROHDE. I think that is a good thing.

Chairman LANGER. Do you think we would accomplish a lot if the legislature had nothing to do except to listen to the attorney general from North Dakota and perhaps an assistant from Washington and Mr. Hart, and some of the Indian commissioners advocating certain Indian legislation?

Mr. ROHDE. I think it would be fine.

Chairman LANGER. You would be willing to do all you could to help out?

Mr. ROHDE. Yes, sir.

Chairman LANGER. I would like to have your impressions of this meeting today.

Mr. ROHDE. I think this meeting has been fine. I came down here with the intentions of trying to learn something that maybe would be of benefit to me this winter if the people do send me down there. It looks like they are now. We have no opposition.

Chairman LANGER. In this Indian commission appointed by the Governor, don't you think you ought to have plenty of money to do things with under the leadership of Mr. Hart?

Mr. ROHDE. I think so.

One thing that I heard here this morning was the agricultural program. I think that they should get this farm loan set up under the FHA and get it on one program and do away with the rest of them, and I believe that the FHA should take over the tribal council loans and refinance the loans that they have got, but I don't believe the FHA should have to take the loss. I think there should probably be a little money appropriated by Congress to take up the difference there, if there is a loss.

I know that our friend Benson down there is trying everything he can to wreck the farm program. So that would be another wedge for him to drive a little further.

Chairman LANGER. Mr. Rohde, if Mr. Hart recommends certain legislation to help out the Indian commission to make it more effective, you would be willing to back that program down there if you are convinced that it is necessary?

Mr. ROHDE. I heard Mr. Hart here a little while ago on the illegitimate children. I think his judgment there is very sound. I agree with him wholeheartedly there. Maybe there was some testimony here during the day that I didn't hear. I don't know.

Hart and I probably don't agree on the liquor question with the Indians. But otherwise I agree with him on a whole lot of things.

Chairman LANGER. I want to thank you very much for coming here today. It shows a mighty fine attitude. I wish we had more legislators like you.

Mr. HART. Just for the record, Senator, he is one of my severest critics in the legislature, but we get along very well. He represents the Indian point of view on things.

Chairman LANGER. Is the superintendent of schools here? We would like to have a little talk from you.

STATEMENT OF EDMUND LOWELL, SUPERINTENDENT OF SCHOOLS, NEW TOWN, N. DAK.

Mr. CHUMBRIS. Would you state your full name for the record, please?

Mr. LOWELL. Edmund Lowell.

Mr. CHUMBRIS. You live at New Town?

Mr. LOWELL. I do.

Mr. CHUMBRIS. What is your official capacity?

Mr. LOWELL. Superintendent of schools.

Mr. CHUMBRIS. How long have you been superintendent?

Mr. LOWELL. Thirty years.

Mr. CHUMBRIS. We had a little informal discussion before the meeting this morning. Would you, please, state in your own words the operation of the schools, the number of Indian children that go to the school and how they are getting along with their classes, and so forth?

Mr. LOWELL. We operate grades 1 through 12, and we have approximately 450 students in school. That numbers about 310 grade pupils, and 140 high-school pupils in that group.

You asked about the number of Indian children that we have in school. We have approximately 120. In fact, we have about 100 that qualify under Johnson-O'Malley. We have some under Public Law 874. So that in the percentage it will run around 25 percent Indian enrollment.

Mr. CHUMBRIS. And how are they getting along with the school program, the recreational program, and so forth?

Mr. LOWELL. Generally, I would say pretty well. We had in school last year a large number of Indian pupils that came in the school was strange to them. They were being relocated, and we realized that they would have a considerable problem here.

We found that they were sort of timid and they sort of probably were not outspoken and sort of were in a shell.

We noted this year that that has disappeared. But as far as the promotions were concerned, I don't think we had too many casualties as far as the Indian children were concerned.

Generally, we operate on the basis that we aren't conscious that there is any particular group there. I might mention that when we had our carnival coronation that one of the boys was crowned as the king of the carnival, an Indian boy.

Mr. CHUMBRIS. As far as you are concerned they are children who go to school whether they are Indian or non-Indian?

Mr. LOWELL. They are public-school children as far as we are concerned.

Mr. CHUMBRIS. They are showing great progress?

Mr. LOWELL. We find that they are showing satisfactory progress under those conditions. We realize that they came from the day schools on the reservation and compared to the public school I believe that they will show some retardation, but I have always maintained that if we can keep an Indian child in the school from the time he starts as a primary child, he is going to be on the par with the others when he finishes.

Chairman LANGER. Mr. Hart?

Mr. HART. Mr. Chairman, I would like to ask a couple of questions. What is the total budget of the cost of the operation of your school?

Mr. LOWELL. This coming year it will be \$82,000.

Mr. HART. \$82,000—25 percent of that would be in the neighborhood of \$20,000; is that correct?

Mr. LOWELL. Yes.

Mr. HART. And you testified that about 25 percent of your children were Indian children; is that correct?

Mr. LOWELL. Yes.

Mr. HART. How much money will you receive this year under the Johnson-O'Malley Act for the Indian children attending your school?

Mr. LOWELL. I cannot say exactly. I can go by past experience and strictly on that basis we averaged about \$103 per pupil. We were paid for that.

Mr. HART. How many Indian children did you say you had in school?

Mr. LOWELL. It will be around 100 that will be under Johnson-O'Malley.

Mr. HART. That will be roughly \$10,000 that you will be receiving under the Johnson-O'Malley Act. That will be approximately half of the cost of the education of these Indian children. Is that correct?

Mr. LOWELL. I would say it would be; yes.

Mr. HART. Thank you.

Chairman LANGER. We are very, very much obliged to you. I think that is the last witness.

These gentlemen will testify in Bismarck as I understand.

Mr. Hart, did you wish to say something?

Mr. HART. We have a man here, Mr. Rietz, who was a student of Sol Tax. That is an anthropologist who is the outstanding anthropologist in the United States in the field of Indian affairs. Mr. Rietz is an expert at it and I am sure can give you some valuable information as to this cultural background.

Chairman LANGER. Will you call him and interrogate him yourself? Mr. Rietz.

STATEMENT OF ROBERT RIETZ, RELOCATION OFFICER, FORT BERTHOLD INDIAN AGENCY

Mr. HART. Mr. Rietz, would you in about 2 minutes——

Chairman LANGER. Give him more than 2 minutes.

Mr. HART. I know him better than you do, Senator. He can talk fast.

Would you in about 3 minutes tell the Senator and this committee the cultural background of the 3 affiliated tribes and how that cultural background has resulted from this relocation and the things that stand out in your mind from an observation of about 3 or 4 years at this agency also involved with your relocation program so that we can see and appreciate the cultural impact of the Indian people in the integration process?

Mr. CHUMBRIS. Before you do that, would you state for the record your name, your qualifications, and studies.

Mr. RIETZ. The name is Robert Rietz. I am stationed here at New Town with the Bureau of Indian Affairs as a relocation officer with the agency. I have been here for 4 years. I came as a community analyst and held that post and discharged those duties for about 3 months after which time I handled general assistance welfare cases on the reservation under an order from someone in the Civil Service Commission.

Mr. CHUMBRIS. You made special studies?

Mr. RIETZ. I make that point because I have always held some other job. I have not been here as a community analyst and therefore can't claim 4 years of experience in studying Indian affairs on the reservation.

Any observations I am able to make is a consequence of living among these people and using whatever knowledge I might have. I think Mr. Hart didn't leave me much to say because he promised you too much. I won't take too much of your time, but I will say that to me, perhaps I should say as a social anthropologist, trained to deal with community organizations, social organizations generally, in the problems of vitality of such organizations, the problem we have with Fort Berthold is no different in a very general level than the problem we have for all other Indian tribes in the United States and doesn't differ very much from the kind of problems that we are meeting and dealing with with tribal groups all over the world.

What I have to say is at that level. The recommendation I might make is not based on something purely local. The problem we face here is the problem of adjustment, social or psychological or cultural. There are a lot of names that point toward much the same thing that we are asking these people to make.

It is a big adjustment and a difficult one and one that cannot possibly be thoroughly understood by them or by us. We are geared to meet that problem with a resource organization. We worry about credit. We worry about providing community services. The problem is one of adjustment. We are not geared and we are not organized to find out the nature of that adjustment and to locate our effort in the culture, the way of life and the beliefs of people with whom we are working and this is giving us a lot of trouble.

I think I am going to be in disagreement here with several previous speakers, but in the operation of the credit program here—and by the way I claim no competence especially at finance or credit—it is a sort of program that we have brought down that fits our way of thinking and we have made available to a group that is living in different terms, governed by tradition, by interpersonal relations, which are more important than anything else in the world, including individual progress or individual betterment.

And wherever we have had experience, and we have had this experience in many places besides here, we have been making money available to a tribal group where the tribal group itself feels that this money was made available to them and that they are going to be responsible for it; and then further making those funds available to a very select few who corresponds to a good or better or progressive or however we put it, to certain ways of our own, certain choices of our own.

That is about the most disruptive and disorganizing influence we could bring into a community that is trying to meet this kind of adjustment. That turns brother against brother and family against family. It is very difficult to expect a credit plan to operate in a situation like that.

Unless that opportunity is located in the traditional controls in the community with which we have to work. I don't think there is an anthropologist in my field who wouldn't predict with quite a good degree of confidence that you would have a high rate of delinquency, a high rate of insolvency.

You would rapidly be faced with clients for whom you had every sympathy but to whom you could no longer loan money, and many of the problems that we have talked about today would be a natural consequence and could be expected.

Unless the lending agency attempting to help this one small group of people on this reservation is organized to understand and deal with this problem of adjustment in allocating their credit operations, I don't believe there will be much of a change, whether it is FHA or the Bureau of Indian Affairs or any other switching around of the administration of the money that is to be available. I think that there is a serious, important need in the Bureau for, not referring to myself because I won't be in it, but for a recognized part, a branch, a staff, position, some operation within the Bureau and the agency to work, to locate its efforts and its problems within the traditional controls and

the culture of the people with whom we are trying to work so that we can help them make their adjustment with an understanding of the way they are looking at things as well as the way we look at things and the way we demand things from them.

This is not a case of suggesting that someone should hire me because, as I said, I won't be here. The discussion is to whether or not loan funds were adequate, whether or not there was a surplus and we don't need any more appropriations, and the opinion that perhaps we don't because there are some funds not being used, I think can be related to the fact that among this group of people, like others like it, the need for these funds and the demand for them and the motivation to use them, as we would like to see them used are something that is just exactly what we are trying to cultivate and if we say we don't have the need and the demand and don't see the motivation and therefore don't need any more money, it is only, I think, making a little error there is not recognizing the nature of the problem which is a human, a social, a cultural one.

The demand might not be there, but it is our job to develop that motivation and need. And these people need that sort of help. Where we make these programs available on our terms and then feel that we can pass judgment on them for succeeding or failing or not asking for them or utilizing them the way we think they should, therefore, no further effort is required from us, is very unfair, I feel.

I am making a long plea here actually when I think about it now for an effort in whatever agency has the responsibility and the resources to work with these people for their own rehabilitation, making a special plea that somewhere in that organization be located persons who understand something of Indian culture and who can help locate our efforts within the community traditional basis of control for those projects so that they have a better chance for success than they have now.

Frankly, I am very much worried at the thought of discontinuing credit operations or similar help from within the Bureau because I am afraid that, if that happens, perhaps the special help won't be forthcoming. Within the Bureau I can see that traditionally it is expected and that perhaps we might have a chance to get it. Transferred to some other outfit, I am not so sure that the pressure that would be necessary would be there to give it to them.

I am taking a lot of your time and talking as if I knew what I was talking about, but that is what I would like to suggest.

Chairman LANGER. You have only talked 1 minute, and you have 1 minute left. You have used half your time.

Mr. RIETZ. I might say that I may have talked so insistently that I haven't made it clear that I would most certainly think that loaning direct to the stockmen's association or to individuals with the provision so that a man's neighbor in a volunteer association has a vital interest in how he does as a cattleman and not go in and divide these people as we do by making ourself the loaning and foreclosing agency, so that what one man does with his cattle or other credit operations doesn't immediately and practically affect the well-being of his neighbor, stepping in so that we are Uncle Sam, we are the chief, the provider, we are all sorts of things in the minds of those who receive those things, the motivation that would come by having a joint enterprise

and a local control is something that we are doing without, and it is something that I doubt very much that we can succeed without in any kind of economic program however you gentlemen may find it possible to help these people.

I would certainly feel that to absolve the governing bodies of the tribe from direct concern with the economic individual enterprise of its members would be a big step in the right direction. I feel certain that if that were done these people would have a chance to go forward a lot faster because they will recognize how their efforts are affecting the welfare of their neighbor in an immediate and practical way and would do something about it with one another rather than expecting us to cajole or correct or berate or try to teach verbally along with arguments as to whether or not what we give as gratuity or an assistance or something; all these problems that come up when you split up a group and deal with individuals.

It is a handicap to a traditional group to comprehend a thing like that so that there is enough motivation to succeed in something as difficult as farming and cattle operations in North Dakota.

I think Mr. Hart wants to ask me something. I am going to be quiet and see what it is.

Chairman LANGER. Proceed, Mr. Hart.

Mr. HART. I believe I will just let you go.

Mr. RIETZ. Very well, sir.

Mr. CHUMBRIS. Thank you very much.

Chairman LANGER. Ladies and gentlemen, this is our last witness. I want to thank all of you for being so kind and courteous and gracious and for your hospitality to the members of this subcommittee and to our witnesses here.

I want to particularly thank Mr. Rohde for taking time off and coming here as the member of the legislature and spending all day with us. It is one of the nicest things that has happened to us in a long time.

Mr. Wicks was at Fort Yates yesterday. I think he will be a member of the legislature. And I hope you will work with him.

I want to thank Mr. Hart and the United States attorney, Mr. Maxwell, and the assistant, Mr. Mills, and particularly my friend from Washington here representing the Attorney General of the United States, and Mr. Jakes, the tax commissioner here. Mr. Jakes has been with the Department a long time. He is an expert on these tax matters. He says he is going to try to make the Indian pay income taxes. If he does that, I think he has a much, much bigger job than I have in the United States Senate.

Then, of course, we have these other gentlemen here. We have Mr. Ovre. I want to thank you gentlemen from South Dakota for coming up here. I hope you will be with us tomorrow at Rolla. If any of you can come over to Rolla, you will see that plant now employing 100 Indians and where we ultimately hope to employ over 1,000, making the jewel bearings for watches, for automobile dashboards and for planes, the only one in the whole United States and one of which we are very, very proud. We want you to see that.

Mr. Hart perhaps had as much to do in getting that as anybody in the United States of America. He was down in Washington for weeks and weeks.

All this subcommittee is trying to do is, not as Democrats or Republicans, but as Americans, to get the law-enforcement officers of the State and the law-enforcement officers of the United States together with the tribal councils, remembering all the time that we have treaties between our Government and the various Indian tribes. We are trying to get them all together so that we can lick a problem that after all should not be very difficult at all because there are only some 240,000 Indians in our huge population, and we pride ourselves on being the richest country in the world; we ought to work it out.

I appreciate you people coming out to help us, and I thank you. (Thereupon, at 6:35 p. m., Tuesday, October 12, 1954, the subcommittee recessed to reconvene at 10 a. m., Wednesday, October 13, 1954.)

JUVENILE DELINQUENCY

(Indians)

WEDNESDAY, OCTOBER 13, 1954

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY
TO INVESTIGATE JUVENILE DELINQUENCY,
Rolla, N. Dak.

The subcommittee met at 9:30 a. m., pursuant to notice, in the school auditorium, Rolla, N. Dak., Senator William Langer (chairman of the Committee on the Judiciary) presiding.

Present: Senator Langer.

Also present: Representative E. Y. Berry.

Also present: Peter N. Chumbris, assistant counsel to the subcommittee.

Also present: William V. Kastler, Office of the Solicitor, Department of the Interior; Graham Holmes, Office of the Solicitor, and Glen R. Landbloom, Aberdeen area office, Bureau of Indian Affairs; Ralph Maxwell, assistant United States attorney; William Mills, assistant United States attorney; John B. Hart, executive director, North Dakota Indian Affairs Commission; Melvin Christianson, State's attorney, Benson County, N. Dak.; and Leslie Ovre, North Dakota State Welfare Board.

Chairman LANGER. The meeting will come to order. Mr. Chumbris, will you read the opening statement.

Mr. CHUMBRIS. We are indeed happy to come to North Dakota and conduct a series of hearings in various parts of the State to learn of the facts and of the problems which confront the Indian population on and off the reservations. What we learn here will prove valuable to the subcommittee in making proper recommendations to the Congress of the United States of not only the problems of the Indians in North Dakota, but of the Indian population throughout the United States.

Our subcommittee has toured the United States on the problem of juvenile delinquency and we have held hearings in Washington, D. C.; Denver, Colo.; Boston, Mass.; Philadelphia, Pa.; New York, N. Y.; El Paso, Tex.; San Diego, Los Angeles, and San Francisco, Calif., and we propose to hold hearings in Chicago, Ill.; Miami, Fla.; Washington, D. C.; and New York City.

These hearings deal with community problems of juvenile delinquency, special problems such as runaway children, comic books, television, radio, and movies as mass media's impact on youth, pornography and indecent literature, the international boundary, and the Indian youth, as will be brought out in these hearings.

We fully realize that congressional investigations of the Indian affairs have been held previously on many different topics.

We do believe, however, that this is the first time that a congressional committee has come to the various Indian reservations in a State and attempted to learn of the facts from all of the parties concerned, namely, the Indians and Indian leaders, the Indian Bureau, the Indian Affairs Commission, Federal, State, county, and city officials, the press, and the general public.

We further fully realize the problems are many and complex and that there is no easy solution. However, any problem, properly analyzed and properly treated can be corrected. To this end, we earnestly dedicate our efforts in these hearings. With the full cooperation of all of the interested parties involved, we can succeed.

I understand Mr. Cory wants to testify.

Chairman LANGER. I understand you work for the Minot Daily News?

Mr. CORY. Yes, sir.

Chairman LANGER. Do you solemnly swear that the testimony you will give in this matter now in hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CORY. I do.

TESTIMONY OF ROBERT E. CORY, EDITOR AND WRITER, MINOT DAILY NEWS, MINOT, N. DAK.

Mr. CHUMBRIS. Will you state your full name for the record?

Mr. CORY. My full name is Robert E. Cory.

Mr. CHUMBRIS. And your occupation?

Mr. CORY. I am an editor and writer for the Minot Daily News, in Minot.

Mr. CHUMBRIS. And how long have you been doing that work?

Mr. CORY. For 26 years.

Chairman LANGER. You have worked for the Minot Daily News for 26 years?

Mr. CORY. Correct, Senator.

Mr. CHUMBRIS. Mr. Cory, there came a time when you did a series of articles on the condition of the Indian population in a part of North Dakota; is that correct?

Mr. CORY. Yes; that is correct. The series of articles referred particularly, however, to the conditions among the Turtle Mountain people rather than on this reservation.

Mr. CHUMBRIS. Do you have those articles with you?

Mr. CORY. I have a set of those, Mr. Chumbris, but they are in the car. They are outside.

Mr. CHUMBRIS. Let us have a little description of the nature of how you investigated the matter and where you got your information. About what time was this?

Mr. CORY. The series of articles ran in late February of this year, beginning February 20.

Mr. CHUMBRIS. Yes.

Mr. CORY. There were six in the series.

Mr. CHUMBRIS. And you had a photographer with you?

Mr. CORY. Yes.

The series represented some work that we did in mid-February during the wintertime. At that time there was a bill pending in Congress for the termination of supervision over the people of the Turtle Mountain Reservation, so we decided to find out what the people of the Turtle Mountain Reservation thought about the bill. We also wanted to know something of their background and why they felt as they did.

Mr. Roy Thorson, who is our photographer and colleague as a reporter, and I spent a couple of days visiting homes and interviewing officials on the reservation. In addition to that, we had access to and picked up such reports as were available from the Turtle Mountain Tribal Advisory Committee, from the Rolette County Welfare Board, and also from the Indian Service at Belcourt, reports that had been made, various studies on the condition of those people; so that, our work represented not only our observations there, principally that, but we had the background also of these various studies and reports from which to assess the total situation and report it.

Mr. CHUMBRIS. And the result of your going to Turtle Mountain, the investigations and the conferences is this series of six articles?

Mr. CORY. Yes; that is correct.

Of course, having been connected with the News in Minot for many years, having some personal acquaintance among people on the reservation and in communities near there, I had some background with which to approach the situation and to make some observations and inquiries which, from my previous knowledge of the situation, I knew to be of value to the study.

Mr. CHUMBRIS. And at this time you would like to present those six articles as exhibits for these hearings?

Mr. CORY. I should be glad to do so, yes.

Chairman LANGER. This is one time that everything that appeared in the Minot Daily News will be made a part of the record and accepted.

Thank you very much.

(The articles referred to were marked "Exhibit No. 20," and read as follows:)

[From the Minot (N. Dak.) Daily News, February 20, 1954]

TURTLE MOUNTAIN FOLK WATCH WASHINGTON; WHAT PRICE MUST THEY PAY FOR FREEDOM?

By Robert Cory and Roy Thorson

At the doors of hundreds of little popple-log, mud-chinked cabins up in the hills of Rolette County, near the Canadian border, people like Virginia Iron Bear are watching.

It isn't just the signs in the winter sky they are studying. Really, their eyes are on Washington.

They are fearful. Congress may up and end what's called Federal supervision over them. For several years that step has been threatened, but now a bill is up for hearing.

Hearings in Washington are March 2 and 3.

The bill, if passed, would bring Federal supervision to an end within 5 years for some 8,900 people whom the Government—bound by inaccurate legal phraseology—calls the enrolled members of the Turtle Mountain Band of Chippewas.

Anyone who takes the trouble to go up to the Turtle Mountain Reservation, to get acquainted, finds that most of the people there have French-Canadian blood in common, just as much as Chippewa. But that's a story in itself, a story of a mixed-blood race that has remained mixed blood for nearly two centuries. That isn't the story that two newsmen from Minot went to get.

It was to meet some of these people, see how they live, and learn why they are fearful, that two members of the staff of the News went to visit some Turtle Mountain homes.

Virginia Iron Bear happened to come from a fullblood family, one of the comparatively few such families associated with this large mixed-blood group. The newsmen met her when the party stopped to inquire directions.

By nature Virginia is a happy dispositioned, talkative person. But she knits her brows when you mention "the termination bill."

"Part of my name is Iron Bear," she says in English. "That means I am supposed to be very strong." Her tone was ironic, as if she wasn't so very sure of her strength. She shook her head.

Whether you talk to mixed bloods or fullbloods in the Turtle Mountain hills, you find them all feeling pretty much the same in their concern about what Congress may do.

Some, yes many, of the T-M folk don't like the idea of being dependent on Washington. But how can they help it, they ask you, when there are so many of them, in so little space? Some would prefer to be out in the world entirely on their own, if they knew how they could make the grade. Others would find it very, very difficult to make the transition. All feel quite definitely that they stand or fall together.

All, practically, are poor. They are quite aware of underlying facts of the situation they are in, even if they can't quote the statistics. That situation, poor as they are, is costing various agencies and levels of Government a million dollars a year, if not more.

The T-M Reservation, on or near which about 4,500 people have an existence—that's half of the membership enrollment—is a 2-township area.

The statistics show 35,437 acres of tribal land and 27,324 acres of individual allotments within the original boundaries.

This reservation, plainly, was a kind of after thought of the United States Government, created by congressional acts of 1882 and 1884, after white homeseekers began coming into the country.

It was created as part of a series of events involving a treaty, in which quite a large group of French-speaking people, supposed to be Chippewas, surrendered their use and claim to farflung hunting grounds that extended over the greater part of what now is northern North Dakota.

The buffalo hunts and the pemmican making industry of the Red River mixed blood people, from 1810 through 1870 were the largest and best organized on the American Continent in that period. And the Turtle Mountain people largely are the descendants of the Red River race.

Was it a coincidence that the acts of Congress creating this little human refuge in the hills were passed at the very time when the last straggling remnants of buffalo were being shot in Dakota?

The land that the T-M people got was a scrub-timber, brushy hill country that the white homeseekers did not want. It offered sites a-plenty for little shacks in the woods or on the hills, and popple trees from which to build the shacks, plenty of yellow clay and enough dead grass to mix for plaster. There is wood to be had even yet to keep the little heating stoves going in the cabins, if you keep hauling and chopping. Not for many years has there been enough game for the people's meat. It's an insignificant amount today.

In summer this country is beautiful.

But as Patrick Gourneau of Belcourt, chairman of the Turtle Mountain advisory committee says, "You can't live on scenery."

In the winter, when the snow blows and the mercury sinks to 25 below zero, it's a desolate-looking semiwilderness.

Pat Gourneau himself, who has a home and a little land on the reservation, has taken a night watchman's job. He works at the small but promising Government-sponsored Turtle Mountain ordnance plant in nearby Rolla, where a United States jewel bearing industry is in the making, operated by the Bulova Watch Co. The plant employs about 75 persons. Soon it will double its capacity. It provides a welcome bit of income for those able or lucky enough to be accepted for jobs. But among so many jobless, it is a drop in the bucket.

What will happen if the Department of the Interior, through its Bureau of Indian Affairs, progressively withdraws from the scene, taking away the services now provided?

That's what Virginia Iron Bear is wondering. Neither she nor her friends are what you would call in love with the Bureau. They have always grumbled about its administration. They have felt bitter about many things related to it.

They think of it as a kind of timid middleman between them and the great Federal Government, and they don't particularly care what happens to the Bureau itself. What they are afraid of is that Congress may shut off the trusteeship without making adequate provision for anything better. They fear that Congress may dodge the answer to that important question of who pays the bill. They know that the State of North Dakota and the county of Rolette can't take on a bigger share of it.

Oh, yes, Virginia knows there is a Federal Government. But from what she's seen of it, it does not resemble a Santa Claus. It's been niggardly, in some important respects. Its dealings with her people, she would say, have had a tinsel, shabby quality that might belong to a candy-and-nuts-once-a-year imitation of Santa.

She is as sure as anybody, and other Turtle Mountain people feel the same, that the Federal Government has far from met its legally recognized obligations.

Virginia is better off than many. She has her little cabin, so small that she stores her trunk and a big kitchen range outdoors! She also has her health, which many have not.

What about all the many, many youngsters growing up among the reservation's many large families? Who exactly is going to be responsible for seeing them and their now jobless parents through the transition?

Take Joe P. Decoteau, prominent enough to be on the T-M advisory committee. He earned \$892 last year. He helped some white farmers make hay. He worked on the Garrison Dam for a while. Then he had a job with the agency. But that was all he was able to bring home. And Joe has six children.

He demanded, "Tell me, what have my 'kids' got to look forward to?"

More specifically, what are the prospects of a 7-year-old, Larry Decoteau, who happens to be a nephew of Joe?

One day last week Larry was sitting on an old chair—the chief piece of furniture in a rundown, one-room cabin—waiting for his mother to come home from the agency hospital with another baby. Larry's parents have 10 children now.

His father Albert says, "I cut fence posts when I can. I get 6 cents each for the posts, on half-share from someone else's land. In a good day I can cut 100 posts. Then I have to haul them home and spend another day sharpening them. Then I have to hire a truck to haul them to some town, to get the 6 cents."

Albert can't go very far from home to work when his wife is sick, and there are young children at home to look after, and when in winter so much of a man's time is consumed in keeping the "wolf of winter" away from the little cabin door.

The Bureau of Indian Affairs admits that at least 500 families on the T-M Reservation have to have some form of relief in the course of a year.

The fact that there are exceptions, and that now and then you find a T-M family not living the life of a poor woodsman or relief client, does not prove anything, unless it proves that many of these people could do better, and would, if they got the "break."

An exceptional case of success is Stephen Lizotte, who lives along North Dakota Highway 5, about 2 miles west of Belcourt. His farmhouse looks like that of any other fairly substantial North Dakota farmer, not fancy but comfortable.

Lizotte got his farm allotment, one of the better ones, in 1906, and has worked a lifetime to build it up. He and his wife have such comforts as many non-Indian farmers have, including an electric refrigerator in their kitchen.

Committee Chairman Gourneau says he can't remember that Lizotte has ever asked any help from the Government. Whenever a survey party tours the reservation to view the good and the bad, it's more or less habitual for guides, whoever they may be, to stop and show the Lizotte place. But Lizotte isn't up in the hill country.

If all of the 500 relief-receiving families of the reservation area and its adjacent tracts of public domain allotments were to have the equivalent of Lizotte's land base, the reservation would have to be much bigger than it is, and on generally better ground.

[From the Minot (N. Dak.) Daily News, February 22, 1954]

THESE ARE PAT'S PEOPLE—THEIR EYES ARE WONDERING, QUESTIONING, FEARING

By Robert Cory and Roy Thorson

Eyes, singularly alike—darkly pigmented but bright—remain with us as a lasting impression of our visit among the Turtle Mountain people.

Those eyes looked from expressive, friendly faces usually, of varying shades of brunet complexion. But some countenances were impassive. Some were sad.

Clothing of the people in winter isn't much to look at. Constantly worn garments, often hand-me-downs, show considerable shabbiness. Home surroundings too, sometimes more tidy than you would think possible in quarters so cramped, are generally drab.

So it is the eyes you remember, especially the children's eyes. They are wondering, appealing, questioning.

Among the older people we saw not a few blind eyes, and some that seemed unusually sensitive to light. There used to be a rather large amount of trachoma among these people, but the Government health service now has that disease pretty well controlled.

Was it our imagination that there seemed to be a basic hunger of some indefinable kind in the eyes of most? It seemed to us to be related, perhaps, to a life that constantly is concerned in winter with the urgencies of food, shelter, and warmth of body.

Humorous, ready, steady eyes were those of Joe P. Decoteau, whom we met at Belcourt, and who was our guide and interpreter. Joe had the eyes of a voyageur, and most probably, like many others on the reservation, is a descendant of that hardy, burned-wood race.

Patrick Gourneau, chairman of the Turtle Mountain advisory committee, sparkled when he introduced us to his friend, Joe, who also is a member of the committee.

"Joe," said Pat, "I want you to meet two friends of mine from the Minot Daily News. They want to visit some of our people."

Then turning to us, Pat said, "I'd like to have Joe go along. He knows everybody and he's been everywhere."

So we went to visit Pat's people, people in whom the committee chairman takes a brotherly and fatherly interest.

The biggest family we found was that of Mr. and Mrs. Joe LaFountain, a young and vigorous, friendly couple who have 13 children. They live not far from the Great Walker School, in a one-room cabin, but a fairly good-sized one.

They consider their present home much better than what they had until 4 years ago, which Mrs. LaFountain described as a "shack" back in the woods. Their present cabin, which they built themselves, is on land owned by Mrs. LaFountain's sister.

Mrs. LaFountain said, "I'm anxious for us to have land of our own, so that we can get something."

The inside of this cabin was lined with packing-box material, tacked to the log walls to help keep out the cold. It was heated by one little cylinder wood-burner in the center of the cabin (smaller than the heaters you see in older summer resort cabins at Lake Metigoshe). You can look up the stovepipe and see a little circle of sky, where it goes through the roof.

Mary LaFountain must have a better-than-average man, for Joe had managed to get her a gasoline-motor washing machine to keep the children's clothes clean. It was the only power washer we saw. But the LaFountains have to take their own team of horses and a bobsled and haul water a half mile, in order to fill the washer.

Joe had the biggest woodpile we saw that day, just outside his door, beside a pile of fenceposts that he had cut and sharpened to sell.

Six of the LaFountain children were away attending school, but there were seven at home. They were a sharp, handsome looking batch of children, the young ones with faces like dolls. All had such bright, brown eyes.

The man who had his hands the fullest, among family heads we visited, was Albert Decoteau whose eyes betrayed discouragement. He was at home looking after his 4 younger children, while 5 others were in school, and while his wife was in the agency hospital, recently delivered of their 10th child.

Albert wasn't getting much done beyond attending the needs of Randy, Carol Jean, Larry, and Linus, in the poorest of the reservation cabins that we visited. Having no other home for his family in winter, he had patched up a little old log shack, previously unoccupied. It was in a debris-strewn clearing, on land owned by other members of the numerous Decoteau family. It must have been tough, trying to keep those children tolerably warm with that one little flat-topped heater during the January cold wave. You could see daylight through cracks where the mud chinking of the walls had dried and fallen away. Broken windows were patched up with boards.

It was above zero the day we chatted with Albert. Yet the children were bundled in clothes, wearing their overshoes indoors.

Albert, too, cuts fenceposts in winter. Sometimes he manages to clear the equivalent of a \$10 bill in 1 week, if he works hard and does not have to tend the children.

The most determined eyes we saw were those of Ambrose Champagne, who since he has returned from wartime Army service on Guadalcanal, has tried desperately—and it seems successfully—to hew himself out a little farm on a 160-acre allotment, mostly brush. Ambrose has built himself a fairly solid house, plastered with good cement. He had a team of big, gray horses, and a small herd of cattle for which he had no grain feed. As yet, there is no cropland on his place.

Albert suffers attacks of his recurrent malaria. His eyes, although determined, looked tired. But they reflected pride when he showed us his span of heavy horses.

The oldest woman we met was Mrs. John B. Grant, 85, who lives east of Belcourt, with 2 of her sons.

Yes, she was willing to have her picture taken, if it would help tell the story of the Turtle Mountain people, among whom she has lived since she was a young woman. She sat up on the edge of her bed, and accepted a cigaret.

She is a heavy woman. She doesn't get away from her bed much. She was about to eat a breakfast of griddle cakes when we arrived. Hers was a two-room cabin, and her bed was surrounded by symbols of her religious faith.

On this call we had with us John Hart, of Rolla, executive secretary of the North Dakota Commission of Indian Affairs, and Garmann Jorgenson, Rolette County welfare secretary, and she was evidently well acquainted with both.

Mrs. Grant's family includes several helpless dependents who have been or are objects of special care by State welfare agencies.

She told us she was born at Fort Benton, back in Montana's gold rush days. She said she is half Blackfoot and half French. She came to the Turtle Mountain reservation following her first marriage.

The Blackfoot blood, in Mrs. Grant's case, suggests the broad mixture of tribal origins to be found among Turtle Mountain people today. The majority, but not all, are of Chippewa mixture. It is possible to find Sioux strains too, even among the fullbloods. Canadian Cree blood is not unusual. It's the French strain among the mixed bloods, probably more than the Chippewa, that binds this Indian mixture together.

We learned, also, that there is a close relationship, or sometimes just close friendship perhaps, between the Turtle Mountain people and some of their mixed blood or Indian neighbors across the international boundary in Manitoba and Saskatchewan. There's quite a bit of visiting back and forth.

Sometimes, we are tempted to think, the congregating and visiting takes place where the most food is, or the warmest cabins. Sometimes it may be on one side of the line; sometimes on the other. Through the west edge of the T-M settlement runs the principal highway linking North Dakota cities with Brandon, Manitoba.

In an out-of-the-way nook just off the highway, we found the little wood-and-mud, grass-thatched cabin of Charley Cree, Sr., one of the well-known fullbloods north of Dunseith. Our car upturned a heavy stone in the middle of the trail as we drove part way to the Cree cabin, and we walked the rest of the way.

Charley belongs to the "rebels" who, in certain things, contend that they have been left out of consideration by the Government, and sometimes even by the T-M "tribal" organization.

Speaking in French through an interpreter, Cree told us it was miserable the way the Government had neglected him and his people. He gave it as his view that if the Federal Government wants to be fair, it will settle the pending claims of the Little Shell group (for several million dollars) before cutting the Indians loose from supervision.

He thought it queer, he said, that the Government wanted to end Federal supervision over the property of his people at a time when it seems most of them don't have any property worth mentioning. He supposed maybe if the Indians had property, as they might if their claims were settled, the Government wouldn't be so anxious to let go of them.

All they want, Cree said, is a square deal.

With Cree and his wife, in their 12 by 20 foot cabin, several other persons were staying, including a young Indian woman from Canada, Freda Big Stone, and her baby. She had been "visiting" with the Crees for 2 months or more.

Would she be returning to Canada soon? "Maybe," she said. "I'm just here with some of my friends."

A few questions developed that Freda is from the Moose Mountain reservation near Carlyle, Saskatchewan.

Freda Big Stone's eyes were bright enough, but the eyes of Charley Cree and of his oratorical friend, Loud Thunder, were hidden behind smoked glasses. The glimpses you got of what was behind the lenses suggested their old eyes were burned out, much weakened or blind.

From Cree's cabin door, where roofs of 9 other cabins were visible on a 40-acre piece of hill topography, we headed toward an off-the-reservation settlement at the back door of the State tuberculosis sanatorium near Dunseith. On the way, one of our party stopped to inspect a cave where a young Indian woman had lived last summer and had entertained companions and sheltered a child. The cave was empty now.

This privately owned back door settlement, called Chaseville (after its founder, the late George Chase), is the round-the-year home of a number of families from the overflow of the reservation. In most of the homes at least one wage earner, sometimes the woman rather than the man, has a lower-wage bracket job at the sanatorium.

We visited several of the cabins, for which occupants pay rent at the rate of \$10 or \$15 per month.

Pleasant, neighborly people were Mr. and Mrs. Walter St. Claire, who already had several visitors when we arrived. One was Virginia Iron Bear's sister Annie.

It was Chairman Gourneau's first visit to off-the-reservation Chaseville, and he and Decoteau did quite a bit of inquiring, as they chatted with the St. Claires.

And Mrs. St. Claire, a dark, thin, serious looking woman told us how for 3 years she and her husband had been caring for a semi-invalid white man who is on relief. He lives in the other small apartment of a double cabin occupied by the St. Claire family.

We went to see this man, and found that he was Lynn Gilbert, son of the founder of the town of Dunseith. Old and alone, and by stubborn choice, Gilbert stays at Chaseville, which, he says, seems more like home to him than several nursing homes he's been in.

"I've spent most of my life in the hills, among the Indians and half-breeds," Gilbert told us. "They are always kind neighbors."

Gilbert's little, littered, unaired room, with faded wallpaper on the walls to make it warmer, is better left undescribed. In his ragfilled bed most of the time, Gilbert has to be cared for as if he were a child. His T-M neighbors cut his stovewood for him, feed his fire, besides bringing him food and giving him all the personal care he got during the January cold spell.

Dunseith, just below the hills, of course is outside the reservation, but it is on land which the Turtle Mountain people commonly regard as having been rightfully a part of their domain. They claimed it was theirs at the time a group of their leaders was persuaded to sign the 10-cent treaty of 1892.

On its north side, beyond the railroad tracks, Dunseith has its shantytown, called commonly by that name. But the houses in that district, poor as they are, are generally better than the cabins we saw either in Chaseville or on the reservation.

On the south side of town, along the highway, a Dunseith resident has built a spacious, rambling style house, with picture windows and bright colored paint, as charming to look at as any magazine picture.

As we drove by, one of us remarked what a house it was, and what a contrast to some we had seen. And Joe P. Decoteau, son of the voyageurs and ready, roustabout member of the T-M Indian committee, with his face perfectly straight, but a twinkle in his eye, said, "H'm, if that guy doesn't start paying me rent pretty soon, I'll have to turn him out."

[From the Minot (N. Dak.) Daily News, February 23, 1954].

EXCEPT TO GET TOUGHER; LIFE UNCHANGED IN 150 YEARS FOR TURTLE MOUNTAIN INDIANS

(By Robert Cory and Roy Thorson)

Firewood, warm clothes, and belly-filling food are still very important things in the cold of winter in the Turtle Mountains, we observed on our visit to the reservation.

In some ways winter life of the cabin-dwellers among the Indians and mixed bloods is very much like the life of their forebears of more than a century ago.

Winter is still the same. The cabins are about the same. Stoves aren't much different. There remain the hazards of fire and storm. The wood from the popple timber has to be hauled and chopped, or sawed, and the fire must be fed day and night. Mud plaster in the walls has to be repaired, old garments mended and made to last. Simple meals must be prepared of what you happen to have. You go a long way for water if you need more than you can get from melting snow. There's the going somewhere after food, and visiting with the neighbors.

Subsistence requires much time and energy. Yet there are hours upon hours to be whiled away, at pastimes barely relieving boredom.

Hunting does not figure very prominently any more, either as a pastime or a means of table supply. For the game is scarce, as compared with what it used to be. There are many more people to consume what food may be found.

No, cabin life is not a new mode of existence for these Chippewa-French. They were living in similar cabins 150 years ago, on the Red River and at various other places, gathered around the posts of the fur traders.

The mixed bloods were more or less a distinct race even then. The whites distinguished them as not white. The Indians regarded them as not Indian. But the white man's government classified them as red and recognized no intermediate race. It treated them as Indians so long that today most of these people are persuaded that Indians is what they are.

In one Turtle Mountain settlement last week, we happened to see Richard Gray Horn—nickname "Paul Jones"—sawing away with a bucksaw on firewood for a little cabin north of San Haven.

He sawed off enough lengths of wood to last through the night, and quit.

Richard was staying at a cabin occupied by a Turtle Mountain resident. He happens to be a Sioux from South Dakota. Perhaps he saws wood differently from the way the Turtle Mountain people would do it. But, anyhow, there are plenty of bucksaws in use in the hill country this winter.

With fenceposts worth only 6 cents apiece on the local market, sometimes it does not seem to matter much whether you haul the sharpened posts to market, or saw them up and burn them. It depends on how badly you need money for something.

It used to be, in the years of the homesteaders, when white farm families also burned wood in their stoves, that young fellows like Dick could do fairly well for themselves in winter, chopping and selling cordwood. But that market is gone, for most North Dakota farm families have lignite furnaces, and some burn oil.

On our visit to the reservation and nearby Indian settlements, we did not strike any homes—except one—that had either a basement or a furnace.

We were told that a considerable number of Turtle Mountain men used to find work in winter on farms outside the reservation, doing chores or caring for livestock. But the way of the North Dakota farmer has changed. Many of the old chores have been eliminated; many farmers don't have any livestock.

That makes a difference in summer, too. When farming was done with horses and hired men, many heads of Turtle Mountain families were farmworkers in summer, at pretty fair wages. Now that the country has converted to power farming, the Turtle Mountain men find fewer and fewer places in off-the-reservation agriculture.

Some of the Turtle Mountain people who have farmable land have to operate their places with equipment and by methods that other farmers would consider quite old fashioned.

There are some, like Ambrose Champagne, who keep a few head of livestock. Ambrose has 17 head of cattle, and is considered one of the hardest working stockmen on the reservation. Luckily he has a team of huge gray horses to pull the hay rack, and he spends quite a bit of time hauling slough hay and upland hay for the cattle.

We noticed something about the hayracks in the Turtle Mountains. They are all alike. Made by hand, they are put together with poles. Pins hold the racks together. The floor is constructed from good, straight poles. Holes are drilled in the outside poles and the uprights fitted into them. The uprights then are fitted into the top-rail frame. The result is a rack that will last many seasons, will be easy to repair, and the materials are at hand in the woods.

It occurred to us that there could not be this reservation mode of life at all, if it weren't for the popple, balsam, poplar, ash, and bur oak that persist

in the woodland. How long will the wood hold out? The stands are much thinned from what they were 40 years ago.

Ambrose has an old tractor in the yard, but about all he can do with it in winter is to hitch it to an old power saw, to cut his firewood, which is easier than the bucksaw method used by Gray Horn. Use of a tractor is quite limited even in summer on the hilly land where Ambrose is building up his little farm place. Eventually he hopes to break up a few patches of sod, so he can have a little grain.

The Turtle Mountain advisory committee, of which Patrick Gourneau, our host, is chairman, supervises a program under which a few promising farmers, willing to try a go at it, have been settled on acreages of tribal land on the reservation. The Turtle Mountain agency of the Indian Bureau has a farm agent who assists these operators of tribal farms.

One of the big problems on some of the land is that of clearing off brush from otherwise tillable soil. The Turtle Mountain soil conservation district gives some assistance in providing equipment, like bulldozers, for "brushing" off the growth of young popple, hazel, and other native trees and shrubs, to advance these small land-reclaiming projects.

Many conservationists frown on the whole idea of denuding any of the hill country of its remaining brush, but the Turtle Mountain enterprisers ask, "What would you do if you were in our place and needed some land as badly as we do?"

We chatted briefly with a wiry, hard-muscled man, Alex Breland, who was out in a "brushed over" field on the tribal farm he operates. With his hands he worked alone on a cold day, wrestling with 'dozed-off trees and roots and brush, which had been pushed into windrow piles at intervals across the field.

Some of the wood could be removed and cut into firewood. The rest would have to be burned, whenever it was dry enough to burn.

"It's a lot of work," Breland remarked. "But I think I'll make it."

It looked to us as if it would be a long, long task for one man. And after the surface was cleared, there would still be that tough tangle of roots in the soil.

No, agriculture does not figure very strongly in life in the reservation. There aren't many Ambrose Champagnes or Alex Brelands who even try it. The Bureau of Indian Affairs statistics say that nearly 500 families "have some type of agricultural income," but that is using the term "agricultural" very loosely, as any kind of income derived from the land itself. It could mean gardening, fencepost cutting, gathering herbs and fruits. Or wages earned by working for outside farmers.

The Government's own survey of 1952 concedes that of the 450 families reported to be self-supporting—and 500 other families are not—only "about 25 families make a reasonably good living from farming and livestock raising."

The same survey incidates that it would take 320 acres to make a very modest subsistence base for one family. And it adds, "The aggregate of tribal land, reservation allotments, and public domain allotments (off the reservation) amounts to a per capita holding averaging about 21 acres." To make that large a figure of it, the people who made the survey had to take in all the public domain held by enrolled Turtle Mountain people in three different States.

Speaking of agricultural income, one is reminded that back in the late 1930's the Turtle Mountain people made a little pocket money stripping bark off of a very worthy native shrub, the highbrush cranberry, some of which grows wild on their reservation. The bark was sold to a patent medicine manufacturer. But the supply hasn't lasted, and a good, berry-bearing shrub is scarcer. This highbush cranberry is the bush from which their grandmothers and great grandmothers, and others before that, picked berries to flavor and preserve their fanciest forms of pemmican.

Over on the public domain allotments west of the reservation proper and north of Dunseith, there isn't so much brush, and most of the land is upland, shortgrass pasture. Its ownership often is split in absentee heirships. Some of it is rented out as pasture to outsiders.

It was over in this part of the hills, where no land tilling is done, that we met Joe Henry. He was out on a short ladder tacking more packing-box paper-board on the entryway of his cabin.

Joe has a warm cabin, kept that way by the inexpensive insulation he uses. Joe has two rooms. While they were certainly not fancy, they were surprisingly comfortable. We noticed, too, that his clothing was good.

It was near midday when we entered the house, and there was a handsome youth, maybe old enough to be a freshman in college, who was taking care of two small children. The youngsters were wide-eyed with surprise at seeing

visitors come through the door, and it was all their gentle young attendant could do to keep them from crying.

In this sector of the reservation, except for Joe Henry's paper-tacking job, there was not much outside activity. The people did not seem to be working at anything. Most of them were just sitting around. Perhaps their chores for the day were done.

There was some visiting between neighbors, of the time-killing sort, we noticed. Old folks and younger folks, as well as children, were gathered in little hot-stove leagues. We guess you might say they would have been chewing the fat, except that there wasn't much fat in evidence. So perhaps they were chewing just what there was.

To get about and do a little visiting persons young or old use shank's mare for distances up to several miles. Once in a while, as you travel across the reservation, you may see someone on a saddle pony, but not often. The majority of cabins we saw presented a scene in which an old, rattle-trap car of some kind, or maybe a battered pickup truck, stood close by.

There were cabins, quite a large number, we thought, where neither horse nor jalopy was in sight. We had a chance to notice that some of the old cars we saw were out of commission, or on closer inspection proved to be junkheaps without tires. But it looked to us as if in every neighborhood where several cabins were huddled together, there was at least one car that probably would start if the weather wasn't too cold.

We guessed that one man's car, if it were in running order, might be a kind of community conveyance, when the neighbors had to get to town, or to the agency headquarters.

Some of the wage earners—summer wage earners, that is—had gone to Belcourt the day we were there, we found out, to put in claims for unemployment compensation.

We noticed there was quite a congregation at the Belcourt agency office, and we were told that when the winter weather is good and the trails open, there is quite a tendency to gather at the agency for one purpose or another. It seemed to be another place to meet and greet friends and there could always be some little item of business to attend to. It looked like an inexpensive place to kill a little time.

[From the Minot (N. Dak.) Daily News, February 24, 1954]

WHAT ARE HIS CHANCES?—IF HUMBLE SURROUNDINGS MAKE PRESIDENTS,
OPPORTUNITIES OF T-M CHILDREN ARE GREAT

By Robert Cory and Roy Thorson

We wish we knew what kind of future we might predict for Alfred LaFountain, aged 4, who watched us timidly by our reflections in the mirror of an old dresser, when we visited his one-room cabin home on the Turtle Mountain Reservation.

If being born and reared in a humble log cabin is one of the requisites of a great and popular leader, Alfred may be President some day.

Surely Alfred's home surroundings are every bit as humble as Abraham Lincoln's, whose birthday came the week we visited the reservation.

He faces the prospect of attending a segregated school (practically, the T-M schools are that), then of settling back into life of simple poverty in which his parents struggle, or of some day, somehow making the break by which he might hope to enter and be a part of the mainstream of American life. Whether he is able to do that depends on many things and on what may happen in the next 5 or 10 years. Will he be fitted by his environment and training to start a new life somewhere else? Will there be a job for him if he wants to do that?

Alfred has the advantage of having vigorous, hard-working parents, who evidently care for their children, and who themselves have made a little economic progress in the past 5 years (in that their cabin is better than the one they had, and they own a team of horses and a washing machine). There's something to be gained too, no doubt, from the self-forgetfulness and sharing that goes with being 1 of a family of 13.

We'd say, from our brief look at the Turtle Mountain scene, that the La-Fountain boy's chances are better than those of many other children in that Indian and mixed-blood community.

It would be hard for outsiders, without seeing the actual situation, to realize what a nursery of humanity the T-M community is. It would be impossible to find in North Dakota another completely rural area of 2, 3, or 4 townships that has so many children.

The most reliable figures available, furnished by Patrick Gourneau, chairman of the T-M advisory committee, show that there are 1,865 youngsters of school age in that community. And there's a big crop of younger ones coming thick and fast.

All told, the Indian Bureau lists nearly 3,000 children of school age as being among the close to 9,000 enrolled members of the T-M group, including those that live elsewhere than in the reservation area.

The reservation area was served this past year by five Government day schools, including the big, imposing plant in Belcourt.

The two members of the T-M advisory committee with whom we visited were in agreement that the Indian schools of the T-M system represents the best of the services provided by the Bureau of Indian Affairs.

Chairman Gourneau remarked, "Here we have the children. They have wonderful schools, compared to years ago, and they have good teachers. And I would say most of them get to school when they can. But in the wintertime they don't always get there, often because they lack clothes and shoes."

Actually, it would appear that all but maybe a handful of children of grade-school age are enrolled in school somewhere, if not in the Government schools, then in the mission school or in off-the-reservation public schools. But attendance records are variable.

We did not go in and visit any of the schools during our stay there, for our main objective was to see as many homes as possible.

There came to our attention only one complaint about the schools from a parent. In a cabin we visited, where two school-age children were at home during school hours, the father said they were at home because they missed the school bus that morning. "It never waits," he said, "if they are not out on the road when it comes along."

Off the reservation, we heard an official in a nearby town say that there are always far more Indian children whose parents want to get them into public schools than his district has room for. He said the school in his town admits as many Indian youngsters as it can, without going to extra expense.

"We'd have built a new school building before this," he went on to say, "if it weren't for the fact of that big question of how big a school we can afford to build. We wouldn't feel justified in taxing ourselves for a building that would be large enough to accommodate all the Indian youngsters whose parents would like to have them come here. We'd be under pressure to accept more than we should take, with no bigger district than we have. Their folks trade here, and we wouldn't like to have to draw a line."

The reservation school buildings are better buildings, it seemed to us, than some of the public-school buildings nearby. The Dumseith Indian School, north of that city, and also the Great Walker School farther east, look like mansions, in a country of poor squatty cabins.

As we went from cabin to cabin, seeing young children at a majority of the places we happened to visit, our guides told us that they believe the family tie is strong among children reared in all of the normal family-type households.

The rigors of poverty, and the mutual struggle for existence in the family circle may make that tie the stronger. Then there is the fact of comparative isolation, as goes with life in any really rural community.

Besides that, there is the fact that unemployed, or only seasonally employed parents, have more time to spend at home and with the younger children, than is the case in more typical American communities.

A break comes, of course, when the children are old enough to go away to high school—if they go—or to a boarding school of some kind. Even then, we were told, the family unit is a strong reality, and a tie that draws youngsters back, even to the experience of mutual misery.

The home, the church, and the school all seemed to be important centers of life activity for the majority of normal-type family households, our observations indicated. There are several mission chapels on the reservation, besides the large St. Ann's mission church and school near Belcourt. Most of the T-M people

are Roman Catholics. But there is one Lutheran mission north of Dunseith, in an area where formerly an Episcopal mission work was carried on.

One thing we noticed: Indian parents and grandparents and aunts and uncles, for the most part, seemed quite attentive to the children and affectionate. The youngsters were quiet and obedient to parents, in the presence of visitors, and they seemed to share fully in all household activities.

We couldn't overlook the fact, too, that those wooded Turtle Mountain hills—Pat Gorneau's scenery that can't be beaten—has something to be said for it as a summertime playground for children outdoors. There are city families that buy or rent lakeside cottages in summer to give children the sort of outdoors which is part of the Turtle Mountain heritage.

It was noticeable that there were many young mothers; that there were usually young children in the homes of even the older people, grandchildren, perhaps; and that it wasn't so uncommon to find a family that was keeping the child of a relative.

Among people so poor as most of the Turtle Mountain folk are, children, strange to say, are an economic asset. And don't think that isn't a factor of consequence in the high T-M birthrate.

If your household has a few extra dependents to take care of you get more relief from the public agencies, whether it's food or payments for aid to dependent children.

The welfare workers tell us that the percentage of unwed mothers is high in the T-M territory.

We were told of instances where husbandless mothers have received bigger payments per month in government aid than some hardworking fathers (also with big families) could earn on steady jobs.

A recent report of the North Dakota Commission of Indian Affairs says, "Parental responsibility (on the reservations generally) has degenerated to a point much below the standard historically maintained by Indian tribes. This has resulted in a burdensome financial cost to the State of North Dakota in supporting the aid to dependent children program." The report goes on to cite that in Rolette County where the Turtle Mountain reservation is, the number of ADC cases is 10 times as high among the Indians as among the non-Indians.

Even so, the same report shows that there is a smaller proportion of ADC cases among the T-M people than among the Indians at Fort Totten and on the Standing Rock reservations. Could it be that children are worth more to parents on the T-M reservation than on the reservations where people are more prosperous?

The North Dakota Commission feels that the breakdown of law enforcement on this and other reservations—in which there is a no-man's-land as far as responsibility is concerned, as between Federal, State, and Indian arms of the law—is very much to blame for the fact that there is a high percentage of children whose fathers aren't taking care of them.

Chairman Gorneau, by the way, has pointed out that the T-M tribal committee has so little funds at its disposal that it has been unable to pay the salary of an Indian court judge. The one Indian chief of police, who gets a salary of \$906 this year, can't be a very strong arm of law and order in a community of 4,500 people.

The frequency with which the recognizable names of T-M young people turn up in other North Dakota towns on the lists of those who have committed crimes—theft, offenses against persons, and law violations involving drunkenness—suggests there is a lawless element. But a reading of the history of the old Red River mixed bloods, and of the other elements making up the T-M composite, makes it evident that there always has been.

Gorneau likes to point to the brighter side. One part of the silver lining is that the Turtle Mountain community now has 51 boys and girls attending institutions of high learning, and he says, "I believe this is a record that any community could be proud of."

Back to that question of whether a boy named Alfred LaFountain has a chance to be President, we turn again, to make this observation: It looked to us as if leadership material isn't lacking in the T-M community.

In fact, these two reporters were quite impressed with the civic pride, devotion to community service, and the intelligence of the men we met who are trying to pull the loose ends together in the work of the T-M advisory committee.

[From the Minot (N. Dak.) Daily News, February 25, 1954]

T-M PEOPLE RESENTFUL OVER NOT BEING CONSULTED ON GOVERNMENT'S PLANS FOR THEIR "LIBERATION"

By Robert Cory and Roy Thorson

As in the case with most other Americans today, government is a bigger thing now in the lives of Turtle Mountain mixed bloods and Indians than at any earlier time in their history.

In their case, undoubtedly, this is partly because circumstances make these people so heavily dependent on government—more than most people are.

We found there a more lively interest in various levels of government than we expected.

Despite their poverty and dependency—and the undeniable fact that they feel the Federal Government particularly has short-changed them—it looked to us as if the T-M people are more favorably disposed toward government and more hopeful in their attitude, than they used to be (judging from our reading of their history).

Many, we learned, are thinking today in terms of democratic action, of participation in the processes of democracy. That to us was evidence of a new feeling that they have a stake in the future of the United States which is worth working for.

"One reason our condition is so poor," observed Patrick Gorneau, T-M advisory committee chairman, "is that in the past we have not been organized to express ourselves. We would have more today if a long time ago we had gotten together and stood up for our rights and interests. We could have made ourselves heard both in the State legislature and in Washington."

These people do have a voice in the affairs of Rolette County, where they constitute 40 percent of the total population. For years 1 of the 5 commissioner districts has elected a T-M leader to the county board. Their present representative is Edward Jollie. It appeared to us that as far as Rolette County is concerned, the county government understands the reservation problem pretty well.

It is worth noting that one of the chief grievances of the group, in their opposition to the pending termination bill, is that the Bureau of Indian Affairs did not give them an opportunity to participate actually in the drafting of a program for their own release from Federal supervision.

They all feel that release must and should come, but that there are certain obligations which the Federal Government must fulfill first, and that talk of terminating supervision now is hypocrisy, besides putting the cart before the horse. They feel that there must be a long-term, definitely mapped program, put down in black and white. They also feel—with some justification—that they know their own problems better than anyone else, better than anyone in Washington ever did. They do not doubt their ability to contribute sensible and practical proposals to the framing of their own release.

It should not be overlooked that 472 of the younger men of the T-M community are veterans of World War II.

That, you notice, is better than 1 out of every 10 persons now resident in the reservation area.

We don't know how many more are Korean, War I veterans, and exservicemen of periods between wars. But many are.

Through military service the sons of the hardy breed of French-Indian voyageurs, wilderness canoemen, frontier guides, traders, trappers and roustabouts, in this present generation have contributed heavily to the defense of America.

It's a development worth noting that the T-M people, by and large, have come to the stage where they really consider themselves Americans.

Historically these people—Chippewa-French, Cree-French, Chippewa-Cree, with other hyphenations—have been quite indifferent to government. Formerly they displayed a nonchalant disregard of all nationalism.

The story of how they came to be that way is told very well in the late Joseph Kinsey Howard's book, *Strange Empire*.

The rough-and-ready great grandsires of the Turtle Mountain people performed feats of heroic toil for the French, the British, and the Americans alike. Without them, one may ask, how could the American Continent have been explored and won? They accompanied every major expedition of exploration in northwestern America, whether to the Arctic, or the Pacific, or through the unknown of the interior. They were guides, interpreters, hunters, hewers of wood and drawers of water, and the men who navigated canoes through treacherous rapids and carried boats, loads and all, over long portages.

They were an identifiable people and had settlements on the Red River of the North before the United States of America came into existence.

But what was government to them then? Pembina on the border between the United States and Canada, on the Red, became their center. For a long time nobody seemed quite sure whether Pembina was on United States or British soil, and few cared.

Up until 1884 when the present T-M reservation was created, and even later, these people moved back and forth across the boundary with the greatest of ease, and without recognizing the existence of customs officers.

A large portion of the people who entered and settled on the reservation at that time were of mixed blood families who had stood with Louis Riel in 1869 and 1870 in his valiant but abortive attempt to make Manitoba (Prince Rupert's Land) a Metis state.

Their grievances in Manitoba had been principally the failure of the young Canadian Dominion Government to understand and recognize their rights and title to land they had lived on, with scrip title from the Hudson's Bay Co., for a century.

The Red River settlements of these people were international, part in the United States and part in Canada, but no small number of the families who wound up living on the United States side of the Turtle Mountains crossed the line as refugees, or as people unwilling to remain in a land that had made Louis Riel an exile.

They felt kindly disposed toward the United States Government at that time, and would willingly have joined Riel in making Manitoba a State of the American Union, had Riel been willing, and had the Government in Washington given any encouragement.

As things turned out, when it came to settling them on a reservation, and getting them to give up their old buffalo-hunting grounds, the United States Government showed no better understanding of the Red River race than the Canadians had. When commissioners were sent to deal with them, and persuade them to accept a reservation, these officials supposed they were dealing with an Indian tribe.

According to customary procedure of the times in dealing with Indians, the Federal officials sought a "treaty" settlement. They were puzzled to find French-speaking halfbloods as spokesmen for the group. How could halfbreeds speak for a tribe. "Where are your fullblood chiefs?" they asked. "We would deal with them."

From the beginning, small family groups of fullbloods, more or less preserving their separateness as Indians, had been associated with the Red River mixed bloods. So the obliging mixed-blood leaders went out and rounded up a few fullblood "chiefs."

But one important fullblood leader concerned, old Little Shell and his clan, couldn't be found right away. Eventually he was located in the Woody Mountain country in Saskatchewan, and was brought back, but he refused to sign.

(Although Little Shell was in Canada when the treaty signers went looking for him, there is ample evidence that he came from a line of Indians associated with the mixed bloods at Pembina and at St. Joseph. An informant whose word we have no occasion to doubt assures us that one member of the Little Shell group, John Reflecting Man, has in his possession a John Adams medal—an original—of the kind distributed to Indian chiefs at Prairie du Chien, Wis., in 1821 by representatives of President Monroe's administration. The medal, a token of United States friendship, is said to have been cherished in Reflecting Man's family for generations.)

Legally, Little Shell's refusal to be a signer of the McCumber treaty of 1892 has been made the basis for pending claims which his band and others have against the Federal Government at this time. His son, Thomas Little Shell, is a resident of the reservation today, along with a number of other fullbloods and mixed bloods, who claim to have sided with the old chief.

But a tribe, in the full sense of that word, the Turtle Mountain people never were. Since they settled on the reservation, they have never had any really united organization. Their present T-M tribal advisory committee comes the nearest to it that they have ever known.

In the days of their greatest prosperity, in the era of the semiannual buffalo hunts out of Pembina, they would elect leaders for every hunting expedition, and their organization was detailed as precisely as that of an army. On the trail they lived as a disciplined community. But back at their settlements, the organization fell apart.

They were a tolerant, easygoing people, who would let anyone come and live with them who wanted to, of whatever complexion or tribe. They had respected natural leaders, but they had no government. There were no chiefs like the Indians had.

This peculiar character of their society explains, perhaps, why they do not have a tribal organization under the act of June 18, 1934, as the Three Affiliated Tribes of Fort Berthold Reservation have, and as exists among the Sioux on the Standing Rock.

Instead, they have their tribal advisory committee of eight members, and the word "tribal" in the committee's name is used loosely.

This does not mean that the advisory committee is not important. It is. It serves as a liaison group between the Bureau of Indian Affairs and the people. It also has a liaison function between the people and the government of Rolette County. It comes as near to being a representative board as most city councils are.

Although it works with the Bureau of Indian Affairs on many administrative matters, the committee has a chance to see the shortcoming of some programs developed by the Bureau. As one member of the committee told us: "The Federal Government's intentions are well meant. A new program, maybe very good in theory, will be started. A too small appropriation will be allowed. What money is allocated then will be used up in administration. So the program fizzles out for lack of sustained finances and effort. That's the way it goes."

It is this background that makes the Turtle Mountain people suspicious of provisions of the termination bill. The bill banks chiefly on a proposed job placement and resettlement program to get the T-M people out of their hole. It carries no appropriations. The people fear that the bill is just another device by which the Government would sidestep its obligations to see them through all phases of the transition. They think a 5-year relocation program is likely to fizzle.

The present dependence of Turtle Mountain people on outside help from various agencies of Government is shown by this incomplete listing of present expenditures:

For schools in the reservation community, an expenditure of \$292,912 this year. Which does not include tuition payments to public school districts.

For public assistance payments made through the Indian Bureau, about \$300,000 annually.

For "general assistance" payments made largely to employable people in the winter, \$78,898 in 1952.

In addition, welfare services administered by Rolette County, the overwhelming part of which goes to T-M people, \$490,000 last year. The State of North Dakota and the Federal Government share in this load.

No figures are available on the cost of maintaining the Government hospital of 42 beds at Belcourt, or for the contract care of Indian patients provided through the State tuberculosis sanatorium.

These items aren't all. It would take more time than we have to ferret out from various Federal, State, and county budgets such amounts as these: (1) Cost of the presented limited job placement and relocation program; (2) the drain represented by unemployment compensation payments; (3) expenditures of the Federal Department of Justice for law enforcement and prosecutions; (4) costs to North Dakota and nearby counties for law-enforcement problems arising from the reservation. We could go on.

Even the one industry which has been set up in the area, to make use of the untapped labor supply on the reservation, is Government sponsored. It is the Turtle Mountain Ordnance plant at Rolla.

For the most part the Government workers and officials we met, while on the scene, seemed to have a conscientious desire to help the Turtle Mountain people out of their predicament.

This was true whether we talked with agency employees, welfare workers, county officials, State officials, or local officers. The magnitude of the humanitarian problem seemed to weigh upon all with a genuine concern. All, however, seemed overwhelmed by its magnitude.

One worker said to us, "When you get up here and find out what the situation really is, it gets under your skin. You want to do something for these people. And you realize the job isn't being done the way it should be."

Meanwhile, Rolette County, the county most immediately concerned, cripples along with something more than 71,000 acres of tax-exempt land within its borders, having a taxable property valuation of \$6,218,114, and a budget limited to \$129,554 for general operation and maintenance.

In contrast with the Federal Government's investment of somewhere between \$600,000 and \$800,000 in agency and school buildings and improvements in the reservation, not including highways, the people of Rolette County point to their courthouse in Rolla.

"It's one of the poorest courthouse buildings in the State," a county official told us, showing us that the stuccoed exterior covers an old structure. "This place was built for a schoolhouse back in the 1880's. It was condemned for school purposes before the county took it over."

[From the Minot (N. Dak.) Daily News, February 26, 1954]

WILL MORE JOBS TURN THE TRICK? IT'S EVIDENT, ANYHOW, A BIG TURTLE MOUNTAIN LABOR FORCE GOES UNUSED

By Robert Cory and Roy Thorson

Jobs, suitable jobs, jobs for longer periods, work at which T-M employees could hold their own with other applicants, situations in which employment would be steady enough and attractive enough to give family units a chance to achieve their economic independence.

Everyone to whom we talked in the Turtle Mountain Reservation area seemed to think more job opportunities would do as much as anything to relieve the poverty, discouragement and frustration of this overcrowded community.

Yet it seemed just as clear that jobs alone are not a complete or cure-all answer to the problem. Besides jobs, much patient effort of adjustment—patience of the try-try-again quality, if it takes years—is needed.

In the pending bill for termination of Federal supervision, the one and only "program" of alleviation provided is, as we have said, the plan to step-up relocation for off-reservation resettlement and employment. It is because that proposal figures so prominently in the bill that we decided to devote the final article of our series to this subject.

The difference that work can make was suggested to us in two contrasting scenes that we witnessed one morning, a few miles apart. They showed (1) how things might be for more people and (2) how things are for most of them:

At 8 o'clock, we dropped in to the Turtle Mountain Ordnance plant unannounced and there we saw some 70 persons, most of them women, just starting the day's work, at the machines they use in various parts of the process of making tiny jewel bearings.

It was, we felt, a scene of satisfied workers proud to have employment. They were beginning afresh the tasks of the day, already quite familiar to them, knowing there would be many more days like this one. They were bolstered, no doubt, by the knowledge there was warmth, food, some comforts, and happy loved ones awaiting them in homes they would go to when the day's work was done.

No one was late. We asked whether in the cold winter weather, any of the workers were inclined to be tardy on the job. We were told that only on one of the coldest mornings, when the mercury was 40 below zero in Rolla had any worker been late. And then only one, and she said breathlessly, "I am so sorry. We just couldn't get our car started."

Half an hour later we walked into the Turtle Mountain agency office at Belcourt. There the narrow hallway was filling up with an assortment of persons from the cabin country, who had come to fill out applications for unemployment compensation.

These people, mostly men, were fidgety, anxious, sitting around or standing, waiting a turn to see interviewers. It wasn't a jovial crowd.

Some looked a little sheepish, joining in that long line of jobless. One man, when he saw a newsman set up his camera, said, "They're going to take a picture of this. Let's get out of here."

These men—and more were coming in the door—had had jobs last summer and fall. But the jobs didn't last.

How many employables are there among the 4,500 residents of the T-M community? No one quite knew. Patrick Gournau, chairman of the T-M advisory committee, told us any figures we would get wouldn't mean much. He guessed nobody had any reliable statistics on that subject. How many women should be counted? Or how many young people? It was hard to figure.

What progress is being made to find employment for those seeking it? Some progress, yes, but the gains were slow. For 5 years, we were told, the North Dakota State Employment Office has been going out of its way to make a project of job placements for T-M people. Opinion of informed observers was that the State has given good cooperation in this matter, but—

Carl F. Fryhling, of Bismarck, director of NDES, said on the day we went to the reservation, "Considering that we have already spent 5 years in making the little progress we have made, it is evident that it will take many more years to do a complete job."

Hand in hand with the State's job placement work goes a small experimental project conducted by specialists of the Bureau of Indian Affairs. They are assisting families with jobs in relocating their homes in communities away from the reservation.

The Rolla Commercial Club was told recently, and these figures were repeated to us at Belcourt, that 21 families were relocated during 1953. Of the 21, 8 have returned to the reservation.

Howard B. Welch, agency placement and relocation officer, told us that this family-by-family relocation effort could be expanded considerably, but that it has been handicapped by lack of funds.

It's been found, you see, that it takes money, and patience and followup work to orient and establish families in new and strange places, if they are to be happy.

Sometimes the failures of relocation attempts are very discouraging to the family trying it. On the other hand, one finds an occasional ray of hope even in a failure.

Joe P. Decoteau, an advisory committee member, told us of an acquaintance who had struck out for California, with the blessing and assistance of relocation officials. He made several tries, but gave up and came back. He was sour on the Government relocation program. He said it was "no good." But he told Joe, "I'm going out and try again, this time on my own."

Those who pin high hopes on the job approach—that of finding more jobs and persuading more people that their chances of success are good—consider three kinds of employment opportunities, geographically speaking.

(1) The possibility of bringing in new industries which would employ the people at home or near home.

(2) Promotion of jobs for T-M people in other North Dakota communities; that is, in places within easy travel distance from the reservation, in surroundings not too unfamiliar.

(3) Placing more families in far-off places, in entirely new surroundings where the distance from home would be great.

The manner in which T-M workers have taken hold of their new employment at the Government's pilot plant in Rolla for making jewel bearings seems to have pleased every one concerned. It encourages welfare workers and public officials to believe that close-to-home employment must be one important phase of a solution to the T-M problem.

Efforts are being made to acquaint suitable types of manufacturing business with the fact that the T-M community offers a virtually untapped reservoir of resident labor that would meet employers' needs.

For years of course, T-M people have ventured willingly into other parts of North Dakota to take such temporary employment as might be had. Many have no fear of trying to set up for themselves in such cities as Minot, Devils Lake, and Williston. But North Dakota cities at present have few industries large enough to absorb any very considerable additional number of these employables.

Employment officials point out that until new industries come to North Dakota, a very large percentage of T-M people must look for jobs much farther away, if they want permanent employment, and if the present T-M labor surplus is to be relieved appreciably.

Knowing the reluctance of many of these families to pull stakes and head for places like Detroit, Chicago, Spokane, and Seattle, John B. Hart, executive director of the State commission of Indian affairs, feels it is important to keep persistently at the project of locating them on jobs—even temporary ones—in North Dakota.

"You have to widen their horizons gradually, in some cases," says Hart. "If, first, they are given jobs not too far away from home, and find they can stay on their own, then some will be willing to take the next step, and move to large centers of employment."

But taking things as they are, Hart is convinced that attracting more industry to North Dakota is one of the ways to meet the problem of congestion on the reservation.

Not only does the present lack of employment opportunity in North Dakota prompt relocation specialists to push out-of-State relocations for more and more families. They have learned from experience that it can be a handicap to an aggressive T-M worker to have his job too close to home.

Which reminds one of us of an Indian friend of ours who was ambitious to get ahead. He got a job as an operator of an earth-moving machine. He worked for road contractors. He worked under a nervous strain because of the racial discrimination he experienced (in the attitude of fellow workers) on the job. But he got ahead. He saved some money. He bought a trailer house, and took his family with him. Things went well for a while, and then his T-M wife got homesick in her strange environment. She pined for relatives and friends. Meanwhile the contractor moved back to a job in North Dakota. Our Indian friend by this time had a good bank account, nearly \$2,000 ahead, and his hopes for a life of independence were glowing, despite his family's loneliness.

But the minute he was back in North Dakota, living within easy driving distance from the Turtle Mountains, a swarm of his wife's relatives descended on him. They stayed and stayed. More came and went. Some got sick. Others had to be bailed out of jail. Before our friend realized it, his bank roll was gone, virtually eaten up by hungry sojourners.

It's a common experience of the up-and-coming individual that when he has a job and a little prosperity, he is expected to share it with the tribe. Old folkways of the cabin dwellers require it of him. If a man gets a boat, all pile into it. The boat sinks, and then the former boatowner is back in the water with the rest.

The man who gets out and succeeds in achieving independence probably is justified in feeling that the folks back home are lazy.

But a mixed-blood leader, with whom we discussed the matter, defended "the folks back home" a little. He said, "It's hard to develop ambition when you are pinching along from 1 day to the next just to keep food in your kids' bellies and clothes on their backs."

Many citizens of Rolette County, who have watched the reservation closely for a long time, are quite skeptical, we learned, that any Government resettlement program for individual families, or groups of families, can hope to make much of a dent in the reservation problem in the next 5 or 10 years. That's why they bank on hopes of more industrial development within North Dakota, which might provide jobs for many instead of a few.

These Rolette County observers point out that at the present high birth rate among the T-M cabin dwellers, it would have to be a tremendous resettlement program that would keep up with natural increase.

They see the Turtle Mountain reservoir overflowing, and never less than full, for years to come.

Which reminds us of what a report of the Bureau of Indian Affairs says:

"The reservation represents in many respects," it is stated, "a subsidized reservoir for migrant seasonal labor, and there is little reason to believe that this situation will change, as long as this great imbalance to resources exists."

Does that mean that the Government is keeping the Turtle Mountain Reservation in the position of a reservoir of unused humanity, by reason of the money it spends to assist the people who are engulfed there? Or does it mean to say that the Government, by assisting in the miserable subsistence of these people, is in effect offering a subsidy to any enterprising employers who might now come in and put this unused labor force to gainful work? Can a subsidized reservoir for migrant, seasonal labor be turned from a liability to an asset, with a little more encouragement applied somewhere?

It looked to us as if any move now that adds to the insecurity of these people, and to the burden of the counties and the State in which they happen to have been settled by the Federal Government, isn't going to help the situation any.

Beyond that, we did not try to draw any fancy conclusions.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in this pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GORNEAU. I do.

TESTIMONY OF PAT GORNEAU, BELCOURT, N. DAK., CHAIRMAN,
TURTLE MOUNTAIN ADVISORY COMMITTEE

Chairman LANGER. Proceed.

Mr. CHUMBRIS. Will you state your full name, please?

Mr. GORNEAU. My name is Pat Gorneau.

Mr. CHUMBRIS. Where do you reside?

Mr. GORNEAU. In Belcourt, N. Dak.

Mr. CHUMBRIS. How long have you been living in Belcourt?

Mr. GORNEAU. With the exception of 3 years, I have lived there all of my life which is 49 years.

Mr. CHUMBRIS. Do you have an official capacity?

Mr. GORNEAU. Yes; I am the chairman of the Turtle Mountain Advisory Committee which is the governing body of the Turtle Mountain Band of Indians.

Mr. CHUMBRIS. How long have you been serving as chairman of the Turtle Mountain Advisory Committee?

Mr. GORNEAU. This is my second term, second year.

Mr. CHUMBRIS. How long is your term of office?

Mr. GORNEAU. One year.

Mr. CHUMBRIS. How do you have your elections?

Mr. GORNEAU. The elections are the same as other elections, by ballot.

Mr. CHUMBRIS. When do you hold them?

Mr. GORNEAU. In May.

Mr. CHUMBRIS. How many members are there on your reservation?

Mr. GORNEAU. Approximately nine now, not on the reservation, enrolled members.

Mr. CHUMBRIS. Would you, please, state some of the duties and responsibilities of your committee, your advisory committee?

Mr. GORNEAU. We are supposed to work for the best interests of the tribe and cooperate with the superintendent in helping him to create a better relationship between the administration and the people.

Mr. CHUMBRIS. Do you work closely with the superintendent at the reservation?

Mr. GORNEAU. Yes; we do.

Mr. CHUMBRIS. Now, as chairman of the advisory committee, have you been instructed to present to this subcommittee certain facts, certain problems that confront your people on the reservation?

Mr. GORNEAU. Not by official action.

Mr. CHUMBRIS. Indirectly by different members coming to you; is that correct?

Mr. GORNEAU. That is correct.

Mr. CHUMBRIS. Will you, please, state in your own words just what those problems are that you would like to have brought out?

Mr. GORNEAU. Well, according to the news accounts of this hearing as it appeared in the local paper last week, it would seem to indicate that a portion of these hearings would be devoted to receiving testimony dealing with Indian problems. Well, I would like at this time to lay before the members of this committee for their consideration some of the problems which I believe need immediate attention. I will attempt to cover these problems briefly, but I cannot stress too strongly

the importance of prompt action on the part of the Bureau of Indian Affairs or the Federal Government to bring about corrective measures.

Since the primary objective of this investigation is juvenile delinquency, I will begin by saying that like all other communities we have our juvenile delinquents. It is a problem that is national in scope and of great concern to all conscientious parents and guardians. Whether our juvenile problem is worse than it is in other communities, I am unable to say. I have no statistics with which to prove or disprove, but I do know that juvenile delinquency is on the increase on the reservation as elsewhere.

Since the future of our own advancement, and I might say that of the Nation as well, rests on the shoulders of the youth of today, it is our sincere hope that from this investigation there may be aid in some form or a possible solution will emerge which will enable us to combat our delinquent problem.

Much has been said about the lack of law and order on the reservation, with ample justification. Much of the blame, however, rests with the source of responsibility—

Chairman LANGER. Getting back to the juvenile delinquency, why is it on the increase here?

Mr. GORNEAU. I imagine there are some contributing factors such as lack of opportunities for one thing, for employment, and I imagine another contributing factor could be traced directly back to the parents.

Shall I continue?

Mr. CHUMBRIS. Yes; continue.

Mr. GORNEAU. I will start this over.

Much has been said about the lack of law and order on the reservation, with ample justification. Much of the blame, however, I believe rests with the source of responsibility, namely, the Bureau of Indian Affairs for failure to provide adequate funds to carry out efficiently the functions of this department. The funds apportioned to Turtle Mountain are so limited that effective law enforcement is practically impossible.

Many times in the past offenders tried, convicted, and sentenced in the court of Indian offenses had to be released because there were no funds with which to pay their board in the county jail in Rolla, N. Dak.

Mr. CHUMBRIS. And this lack of funds was due to the insufficient appropriations; is that correct?

Mr. GORNEAU. That is correct.

Mr. CHUMBRIS. Continue.

Mr. GORNEAU. And recently an opinion of the attorney general, State of North Dakota, under date of September 30, 1954, placed sole responsibility of law enforcement of the reservation within the jurisdiction of the Federal Government. I wonder if I could present for the record the opinion?

Chairman LANGER. That will be admitted as exhibit No. 21.

(The document referred to was marked "Exhibit No. 21," and reads as follows:)

EXHIBIT No. 21

OPINION

STATE OF NORTH DAKOTA,
OFFICE OF ATTORNEY GENERAL,
Bismarek, September 30, 1954.

MR. JOHN B. HART,
Executive Director, North Dakota Indian Affairs Commission,
Rolla, N. Dak.

DEAR SIR: This office acknowledges receipt of your request for an opinion upon two very serious questions pertaining to the jurisdiction of State courts over enrolled Indians upon Indian reservations. Your two problems are as follows:

By an act of Congress approved May 31, 1946, being 60 Statutes 229, the said Congress of the United States of America passed the following act pertaining to the jurisdiction of the county of Benson over criminal offenses committed by Indians on Indian reservations, which act of Congress is as follows:

"AN ACT To confer jurisdiction on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation in North Dakota to the same extent as its courts have jurisdiction generally over offenses committed within said State outside of Indian reservations: *Provided, however,* That nothing herein contained shall deprive the courts of the United States of jurisdiction over offenses defined by the laws of the United States committed by or against Indians on said reservation, nor shall anything herein contained deprive any Indian of any protection afforded by Federal law, contract, or treaty against the taxation or alienation of any restricted property."

Your problem in connection with this first question is as to whether or not this act of Congress transfers jurisdiction to the State courts of the State of North Dakota and in particular of Benson County over offenses committed by enrolled Indians on the Devils Lake Indian Reservation, which reservation is within the boundaries of Benson County.

Your second question relates to an act of Congress approved on August 15, 1953, known as Public Law 280, wherein the Congress of the United States passed a law transferring jurisdiction to certain States therein enumerated, to wit, California, Minnesota, Nebraska, Oregon, and Wisconsin. This act not only transfers the jurisdiction to the State courts over criminal offenses but also grants to the State courts the right to deal with civil issues among enrolled Indians on Indian reservations. Section 7 of said act of Congress provides as follows:

"The consent of the United States is hereby given to any other State not having jurisdiction with respect to criminal offenses or civil causes of action, or with respect to both, as provided for in this Act, to assume jurisdiction at such time and in such manner as the people of the State shall, by affirmative legislative action, obligate and bind the State to assumption thereof."

In connection with this law of Congress, to wit, Public Law 280, your question is: What, if any, action must be taken by the State of North Dakota to assume jurisdiction over enrolled Indians upon Indian reservations as provided for in said act?

In connection with the discussion of this problem and it is one that is not without much difficulty, it is necessary to set forth certain provisions of our enabling act and the constitution of the State of North Dakota.

Article XVI, section 203, of the constitution of the State of North Dakota provides, among other things, the following:

"The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and that said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States;". [Italics supplied.]

The same provision is also in the enabling act which is the compact between the Territory of Dakota and the Federal Government.

When Congress was considering House Resolution 1063, which is now Public Law 280, the committee of the House considering said legislation specifically stated as follows:

"Examination of the Federal statutes and State constitutions has revealed that enabling acts for eight States, and in consequence the constitutions of those States, contain express disclaimers of jurisdiction. Included are Arizona, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Washington. Effect of the disclaimer of jurisdiction over Indian land within the borders of these States—in the absence of consent being given for future action to assume jurisdiction—is to retain exclusive Federal jurisdiction until Indian title in such lands is extinguished; such States could, under the bill as reported, proceed to amendment of their respective organic laws by proper amending procedure."

In the same report we have a communication from the United States Department of the Interior, dated July 7, 1953, which report was made to the said Committee on Interior and Insular Affairs of the Congress. In this communication the Department of the Interior had the following comment to make concerning those States that have disclaimer provisions in their enabling act as well as in the constitution. In that report Orme Lewis, Assistant Secretary of the Interior, has this comment to make:

"It appears that there are legal impediments to the transfer of jurisdiction over Indians on their reservations in the case of a number of States. An examination of the Federal statutes and State constitutions indicates that enabling acts for the following States, and in consequence the constitution of these States, contain express disclaimers of jurisdiction. These States are Arizona, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Washington. In these cases the enabling acts required the people of the proposed States expressly to disclaim jurisdiction over Indian land and that, until the Indian title was extinguished, the lands were to remain under the absolute jurisdiction and control of the Congress of the United States. In each instance the State constitution contains an appropriate disclaimer. It would appear in each case, therefore, that the Congress would be required to give its consent and the people of each State would be required to amend the State constitution before the State legally could assume jurisdiction."

Considering the intent of Congress in passing Public Law 280 and the view expressed by the Department of the Interior as to these disclaimers, it is quite evident that Congress in passing Public Law 280 did not intend that the said law should be self-executing in those States where there is a disclaimer in the constitution.

This office has checked through various decisions by the United States Supreme Court dealing with this jurisdiction and in no one of these cases can we find that the United States Supreme Court has ever directly passed upon this question of jurisdiction for offenses committed by enrolled Indians on Indian reservations. It is true that the courts of our country, including North Dakota, have held that the State is not without certain limited jurisdiction as to the propriety and legality of embodying an Indian reservation within the boundaries of a county or even within the boundaries of a city. And furthermore, the courts have held that the State does have jurisdiction over offenses committed by non-Indians upon an Indian reservation.

After due consideration of this very serious question, it is the opinion of this office: First, in answer to your problem number one as to the act pertaining to the Devils Lake Indian Reservation, that it is not self-executing and grants no jurisdiction to the State courts of North Dakota over offenses committed on the Devils Lake Indian Reservation by enrolled Indians until such time as the State of North Dakota by appropriate legislation amends the constitution so as to remove the disclaimer provision and further passes legislation assuming the jurisdiction and providing for the enforcement of its laws on the reservation.

This answer also applies to your question No. 2: That said Public Law 280 does not automatically transfer jurisdiction to the courts of the State of North Dakota upon Indian reservations for offenses committed by enrolled Indians or dealing with civil causes of action involving enrolled Indians upon the Indian reservation.

It is the opinion of this office that in order to make said law of Congress operative in the State of North Dakota it is necessary for the people of the State of

North Dakota through the process of a constitutional amendment to remove the disclaimer in said constitution now embodied and to further, by legislative action, assume jurisdiction as to such causes of action, both criminal and civil.

Yours very truly,

PAUL BENSON, *Attorney General*.

MR. GORNEAU. Another problem is welfare. Welfare has been our perennial and, if I may say, our most pressing problem. Recession in agriculture and decline in employment opportunities has aggravated the situation considerably. Welfare funds apportioned to our reservation are never enough to meet our needs, making substantial increase in funds necessary.

When our great Government thinks nothing of spending huge sums in trying to feed and rehabilitate a big part of the world, it should not hesitate to provide the bare necessities of life for the people to whom it has pledged guardianship. Perhaps the Federal Government did not pledge guardianship in so many words, but the fact that it has acted as guardian would seem to indicate that it has assumed all the responsibilities that go with guardianship.

Another problem which needs much immediate improvement is in the branch of land. The branch of land has created a problem on the local level that is detrimental to the best interests of the tribe and needs immediate improvement. Lack of cooperation from the area office is responsible for much of the unfinished business in this department.

Chairman LANGER. You are referring to Aberdeen?

Mr. GORNEAU. That is right.

Chairman LANGER. What is the lack of cooperation there?

Mr. GORNEAU. Well, land deals that are sent down there are usually held up because they are untended.

Mr. CHUMBRIS. Do you have any record of how many instances there are of that?

Mr. GORNEAU. No, I have not.

But if you permit me to continue with the statment I will continue.

Mr. CHUMBRIS. Go right ahead. We will not interrupt you.

Mr. GORNEAU. Lack of cooperation from the area office is responsible for much of the unfinished business in this department. Lack of clerical help for our landman is also a contributing factor. We have one person employed in this department at the Belcourt office of the Turtle Mountain consolidated agency. Increased workload, resulting from discovery of oil on Indian lands in western North Dakota and Montana, has made it impossible for many to keep his activities on a current basis without clerical assistance. I understand most of the reservations have enough help in this department to carry out this work.

As a result of this inability to keep activities on a current basis as of today 11 oil leases, each from Fort Belknap, Mont., and Fort Peck, Mont., are being held up because of failure to transmit title status reports and abstracts of probate. Locally, applications for patent in fee, purchase exchanges, and other land deeds are being held up. Requests being held up for advertising on tribal and allotted lands by oil and gas companies can result in much needed tribal income.

Now, I would like to cite two specific land deals. The first involves Joseph and Clara Marcellais, man and wife. Proceedings on this land deal, proceedings on purchase of inherited interest on land they were purchasing began in 1947. Deeds were submitted to the area

office on February 13, 1952, and no action was taken on the transfer until July of 1954, when they were returned to Turtle Mountain agency because oil possibilities were becoming evident on the reservation. The purchasers now find it necessary to start all over again. Originally they had the signatures of all but 1 of the 7 heirs. So far they have received title to 4 of the heirs and 3 of the heirs haven't been found. The transaction is still being held up.

Now, the second case involves two brothers, Pascal and Louis Roussin, both heirs to the estate of their deceased father. Louis deeded over his inherited interest to his brother. This deed was submitted to the area office on April 4, 1952. In August of 1954 the daughter of Pascal Roussin called on Mr. Barnes at the area office. I don't know the title of Mr. Barnes, but he is the man that looks after this phase of land management in Aberdeen. Well, the result was a promise to have the matter looked into immediately. No word of this transaction has been received to date and very likely it too will be held in the limbo of forgotten land deeds.

In both of these case, inherited interests were relinquished thus eliminating the so-called heirship land.

Another phase of where this land management I believe is lax, is in the leasing of allotments in the West. In 1947 the Bureau instituted a policy of letting the individuals handle their own leases and this has worked out very well for the people because it has tended to create a keener interest on the part of individuals to look after their own holdings and, as a result, many of them have benefited.

However, there are still a large number who maybe for financial reasons are unable to go west to check up on their allotments. Many of these have leased their lands for grazing. However, in many instances these lands, leased for grazing and paid for at grazing rates, are actually cropped.

I would like to cite one case of this grazing out west.

Mr. CHUMBRIS. Go ahead.

Mr. GORNEAU. Mrs. John Gourneau and her husband got a ride during harvest time to go out with another party to go out and see her allotment. Her land was leased for grazing. She never got more than \$25 at any time, and some years she didn't get no income at all. Then when they went to see her allotment they discovered it was in crop. They went to the nearest farmer, intending to find out who was cropping the land, and this farmer told them it was none of his business, that they should know themselves who was leasing the land. But when they told him that the land was not rented or leased out the farmer told them "You go ahead and get a combine and thrash that crop. It is yours."

They were not sure. So they came all the way back to Belcourt and inquired at the office and found out the land wasn't leased. So they put a call in to Fort Peck. As a result of this call, Fort Peck told them that the land was not under lease but they would look into it right away. But about 2 weeks later they got a check of over \$500 for one-fourth share crop.

Now, over the years there is no telling how much money was lost in income to the Indians. In some instances farmers out there boasted that they have used Indian allotments for 20 years without paying a cent on them.

Mr. MILLS. How much land was involved? You said \$25. Was that 160 acres?

Mr. GORNEAU. 160 acres.

Mr. CHUMBRIS. Do you want us to ask questions or do you want to complete your statement?

Mr. MILLS. Excuse me. I am sorry.

Mr. GORNEAU. I believe I told you that I have no statistics here on some of this stuff. I am just running over some of the problems of the tribe and I imagine that later on witnesses will appear here that will have statistics.

I would like to deal a little while on questions arising out of jurisdiction. We have had considerable trouble here with a case recently involving an insane Indian. I don't know why this question should cause so much concern because the way is open for an agreement to be reached between the State and the Federal Government. It is just a lack of cooperation on both sides and the big difference is the price of commitment.

I would just like to say this much more on this. I believe that when an Indian becomes insane he should be committed to an institution as well as anybody else. As a citizen I believe he should be entitled to this service. On the other hand, the State contends that that is the sole responsibility of the Federal Government, and the Indian, as a result, is caught in between.

We don't have the facilities at Belcourt to take care of insane people, and neither do they have those facilities in Rolla here. But I believe that an insane Indian should be committed at least pending a judgment of some sort.

In conclusion I just want to say a few words on the relocation program. I understand there is a movement afoot for the State to work in cooperation with our relocation program at the agency. This program, I understand, will be directed mainly at trying to get employment for our people within the State or at least not so far away from the reservation as was the practice previously, to send them out to some of these large manufacturing centers.

I believe that if this arrangement can be carried out it should work out pretty good both for the State, from the State level and from ours here at Belcourt. I hope that they continue to find new ways to secure employment for those of our people that are qualified to find good jobs elsewhere because of no opportunities here on the reservation for employment. Necessarily, we have to go off the reservation to find them, even out of the State in many cases; but if it can be arranged, I am sure it would suit the people better too, if employment could be found within the State.

Of course, those that would like to find employment anywhere out of State, well and good; but some of the people here don't like to go too far.

Mr. CHUMBRIS. Are you ready for questions now?

Chairman LANGER. Mr. Mills, assistant United States attorney, will you ask about that insane matter and get that squared away first?

Mr. MILLS. Was the name Mary Rose Champaign?

Mr. GORNEAU. Correct.

Mr. MILLS. Was she living on a reservation before she became appreciably insane?

Mr. GORNEAU. That, I wouldn't know.

Mr. MILLS. Do you know where she was taken when she became quite insane?

Mr. GORNEAU. I believe she was brought here to Rolla.

Mr. MILLS. Do you know where in Rolla she was cared for?

Mr. GORNEAU. Yes, I do.

Mr. MILLS. Will you, please, tell us about that?

Mr. GORNEAU. I don't know just what they call that. It might be an old peoples' home or some name like that.

Mr. MILLS. It wasn't a place for the care of insane people; was it?

Mr. GORNEAU. I don't believe it was.

Mr. MILLS. Did you have occasion to go there and see her?

Mr. GORNEAU. Yes, I did. I was asked to go over and see her.

Mr. MILLS. Will you describe the way that room looked that they had her in?

Mr. GORNEAU. It had a mattress in one corner.

Chairman LANGER. It had what?

Mr. GORNEAU. A mattress.

Mr. MILLS. Did it have anything else in the room?

Mr. GORNEAU. No; the room was bare. I understand that she was trying to pry up anything that was loose.

Mr. MILLS. Do you know what they had over the window?

Mr. GORNEAU. Yes; they had a bed spring I think.

Mr. MILLS. That was nailed over the window?

Mr. GORNEAU. Yes.

Mr. MILLS. Do you know what they had across the door?

Mr. GORNEAU. It was, well, as close as I remember it was either a half door or the door was closed up about halfway up.

Mr. MILLS. With a piece of plywood on hinges, is that right?

Mr. GORNEAU. It could have been.

Mr. MILLS. How old a woman was she?

Mr. GORNEAU. Well, according to the press reports she was 80.

Mr. MILLS. Was it 78, do you know?

Mr. GORNEAU. Seventy-eight. It could have been 78. I don't remember.

Mr. MILLS. About that age.

How large a woman was she?

Mr. GORNEAU. I didn't see her standing. She was sitting on the floor when I saw her.

Mr. MILLS. Was she quite small?

Mr. GORNEAU. I would say she was medium.

Mr. MILLS. Was she frail or robust?

Mr. GORNEAU. Well, she was an aged woman, and I wouldn't say she was frail. She wasn't robust either.

Mr. MILLS. Now, do you know how long she was kept in that room?

Mr. GORNEAU. No, I don't.

Mr. MILLS. Do you know what happened to her after she left that room?

Mr. GORNEAU. No; she was taken to the Belcourt Hospital.

Mr. MILLS. Do you know how long she was in the room, sir?

Mr. GORNEAU. Where, at Belcourt?

Mr. MILLS. At this home.

Mr. GORNEAU. No, I don't.

Mr. MILLS. Senator, I believe if you wish to develop that question there will be some witnesses who know a little more of the exact nature of that particular case.

Chairman LANGER. Is Mr. Kastler here from Washington?

Mr. KASTLER. I am here.

Chairman LANGER. I want you to particularly pay attention to this case because there is going to be a lot said about that when we get to Washington.

Mr. KASTLER. Thank you, Senator. I am paying close attention.

Chairman LANGER. I wish, before you leave here, you would see the place where she was confined.

Mr. MILLS. I would be glad to personally take him up there, Senator.

Chairman LANGER. If we are going back to that, would you proceed, Mr. Chumbris?

Mr. Maxwell, do you have questions on that?

Mr. MAXWELL. No, not on that particular thing. Mr. Mills is thoroughly familiar with it.

Mr. KASTLER. May I ask a question?

Where was the home in which the lady was when you saw her?

Mr. GORNEAU. It is right here in Rolla.

Mr. KASTLER. Is it a Government institution?

Mr. GORNEAU. To the best of my knowledge, it isn't. It is a private home or one that is not a private home. I think it is a home that was established for the care of aged people.

Mr. KASTLER. Is it a county institution then?

Mr. HART. Mr. Chairman, shall I give a general summary on that?

Chairman LANGER. Surely, Mr. Hart.

Mr. HART. In North Dakota we have some old-age assistance homes and ordinarily private people go in as a private business proposition and get licenses to operate old-age homes and the people receiving old-age assistance stay at this place and the State welfare department makes arrangements for paying. In this particular case it was an individual person in her private home that had 5 or 6 elderly people there, most of whom were being paid for by the State welfare department.

Chairman LANGER. You are Mr. Onsrud's assistant, are you?

Mr. OVRE. Yes, sir.

This is going to be developed a little later on.

Chairman LANGER. You keep track of that?

Mr. OVRE. Yes, sir.

Mr. CHUMBRIS. On the question of employment on the reservation, I understand we have a very fine jewel plant here in Rolla?

Mr. GORNEAU. Yes; the jewel plant is here in Rolla.

Mr. CHUMBRIS. How many members of your reservation are employed at this jewel plant?

Mr. GORNEAU. Offhand I couldn't say, but the biggest part of the women working on production are from the reservation and there are about 80 I think, or approximately 80, that are on production.

Mr. CHUMBRIS. I would like for you to know that it was developed at yesterday's hearing in New Town that it is hoped that that employment will increase to 1,000 people rather than the 100 that are there now. That should be a good source of employment for the members of your reservation, shouldn't it?

Mr. GORNEAU. Yes.

Mr. CHUMBRIS. And as you know Senator Langer worked diligently to get that jewel plant there. As I understand there is only one in the country.

Chairman LANGER. It is the only one in the United States.

It is going to take some time. You are bothered with present unemployment, are you not?

Mr. GORNEAU. Yes, sir.

Mr. CHUMBRIS. On the question of relocation, I believe you gave me some instances of relocation of boys from the reservation who were sent to faraway cities. Would you, please, explain to the subcommittee whether they enjoyed the type of work or enjoyed living in these big cities?

Mr. GORNEAU. Well, from the ones I interviewed I would say they enjoyed, they were satisfied with their work. They liked their work, but they were just too far away from home. That was the first time in some of these instances.

Mr. CHUMBRIS. When they were too far away from home, did anything develop from that? Did they return to the reservation or did they stay on their jobs?

Mr. GORNEAU. No, they came back.

Mr. CHUMBRIS. With their families?

Mr. GORNEAU. These were single men, youths.

Mr. CHUMBRIS. On the whole how has the relocation program been working out, within your knowledge?

Mr. GORNEAU. Well, not too well I would say.

Mr. CHUMBRIS. Are you familiar with the new program that started this month within the State employment service where they are looking around the State to find jobs for members of the reservation?

Mr. GORNEAU. Well, I am not too familiar with it. I went over it briefly with a representative from the State.

Mr. CHUMBRIS. That is Mr. Hanks?

Mr. GORNEAU. That is correct.

Mr. CHUMBRIS. Did he discuss fully with you the plan that they have in mind?

Mr. GORNEAU. Well, to the extent of what he knows about it now, and we are to get together in about a couple of weeks on that again.

Mr. CHUMBRIS. Do you think that that is an encouraging sign for future employment of the members of the reservation?

Mr. GORNEAU. I believe it is.

Mr. CHUMBRIS. Now, going back to these land cases that are being held up at Aberdeen, have you taken those cases up with your superintendent here at Belcourt?

Mr. GORNEAU. Well, I haven't personally, but I am sure that the people involved have.

Mr. CHUMBRIS. They have taken them up with the superintendent here?

Mr. GORNEAU. Perhaps not with the superintendent. But in this one case I cited, the girl went down to Aberdeen.

Mr. CHUMBRIS. She actually went to Aberdeen to see what could be done. Did she get any encouraging signs from the agency there as to whether her application would be expedited?

Mr. GORNEAU. Well, she had the promise that it would be.

Mr. CHUMBRIS. How long ago was that?

Mr. GORNEAU. That was in August.

Mr. CHUMBRIS. Of this year?

Mr. GORNEAU. Of this year.

Mr. CHUMBRIS. Have you any recommendations to make along that line to the subcommittee as to what action could be taken? Have you discussed it with people who might have visited you what should be done to get faster action out of the Aberdeen office?

Mr. GORNEAU. Well, I don't know. I attended one meeting at another reservation where they recommended that the area office be abolished in Aberdeen, and I wouldn't go that far, but I would say that a lot of this work from the local level, that is, if the agency here dealt with it could be pushed along a little faster if our landman had clerical assistance.

Mr. CHUMBRIS. Is there anyone here from the Aberdeen office?

Mr. Landbloom, could you enlighten us on this difficulty that is encountered by the people of this reservation?

Chairman LANGER. Mr. Landbloom is the man in charge at Aberdeen.

Is Mr. Holmes here, too?

Mr. HOLMES. Yes, sir.

Chairman LANGER. Will you sit up here, Mr. Holmes?

Mr. CHUMBRIS. Have you any familiarity with this particular difficulty?

Mr. LANDBLOOM. Yes, sir; we do have difficulty on land transactions and have had for some time, and I suppose if we didn't get new business at all, it would take a year to bring up to date what we have.

Chairman LANGER. Are you a year behind now?

Mr. LANDBLOOM. That is right.

Chairman LANGER. What does that do?

Mr. LANDBLOOM. We have asked for additional positions. There has been no increase for a number of years in land personnel but, at the same time, the policy of the office has relaxed. Whereas we used to encourage the holding of this land in trust status, it is more flexible now and people are selling a lot more land and making a lot more trades, and it is just an increased real-estate business that we can't keep up with.

We have begged and pleaded for the money for personnel for this land realty work, but we don't get any help on it. They have the same situation at the agency, and it is reflected locally. It comes into the office and bottlenecks there. We have to have titles examined because we are trading and selling to non-Indians, and it is quite a problem. We are very conscious of it.

Mr. CHUMBRIS. How long would you say it takes from the time you first receive notice of an application until the time that it is finally completed? Does it depend upon the facts in each case?

Mr. LANDBLOOM. It depends on each case. One may be a straight deed across to one owner. It may be 25 or 30 heirs. It may be a sale or it may be an exchange. It may not have been probated, and you have some more heirs. Each case must be considered on an individual basis.

Mr. CHUMBRIS. Let me ask you this: You stated that there has been an increase in this particular department?

Mr. LANDBLOOM. That is right, sir.

Mr. CHUMBRIS. Could you state within the last year what percentage of an increase there has been?

Mr. LANDBLOOM. No, I couldn't.

Mr. CHUMBRIS. Now, could you state how much of an additional appropriation you would need to be able to properly staff not only the Aberdeen area but the other areas to take care of this increased work that you have in this field?

Mr. LANDBLOOM. Just on the real-estate work? Our appropriation is broken down with the real estate and the tie-in with the banking work that generally results. I think \$100,000 would be very helpful. That is just a figure I am grabbing at the moment.

Mr. CHUMBRIS. Could you state what the actual appropriation asked for was at the last request for appropriations?

Mr. LANDBLOOM. No, I don't have that figure. I know that our present appropriation figure for the real estate and what we call the management of trust property is about \$165,000 for the three States, and we feel that for a very bare minimum we should have closer to \$200,000 just to cover our present positions.

Now, it looked as if we would have to furlough some of our people a short time ago, and we have a request for \$25,000 for our area now.

Mr. CHUMBRIS. Do you anticipate an increase in this work?

Mr. LANDBLOOM. Yes, we do. There are pressures that develop on these deals, and people come to the office and write in about them and when you start picking off the top some of the other deals just fall lower down.

Mr. CHUMBRIS. Now, in this request for appropriations for this particular work alone, did you receive the same amount that you had the previous year? Was it increased a little or was it decreased?

Mr. LANDBLOOM. No, I don't think it was increased.

Mr. CHUMBRIS. Was it left at the same level?

Mr. LANDBLOOM. It was left at about the same level as last year.

Chairman LANGER. Let the record show that I invited Senator Young here. He is on the Appropriations Committee.

Have you ever taken it up with Senator Mundt or Senator Case or Mr. Emmons?

Mr. LANDBLOOM. We have taken it up through the Commissioner and they make contacts of course through the budget people in the Commissioner's office in Washington. They handle it with the Bureau of the Budget, and then it goes to the higher levels.

Mr. CHUMBRIS. Then as I understand from your testimony, the main difficulty is lack of staff and lack of sufficient funds to do the job and there is at least 1-year backlogged?

Mr. LANDBLOOM. Yes, sir.

Chairman LANGER. Mr. Kastler?

Mr. KASTLER. I have some further questions of Mr. Gorneau, if I may inquire?

Chairman LANGER. Yes.

Mr. KASTLER. Mr. Gorneau, you stated that in your opinion juvenile delinquency on the reservation is on the increase. On what do you base that statement? Would you elaborate on it, please?

Mr. GORNEAU. Well, mostly from observation. Like I stated before I have no statistics with which to prove or disprove. We know of some of or it seems like more, and more of our young people are becoming involved in juvenile delinquency.

Mr. KASTLER. In what way, Mr. Gorneau?

Mr. GORNEAU. Oh, I wouldn't like to go into that because I don't have too much knowledge of it. I imagine you could get records.

Chairman LANGER. We have the records here I think. We have the statistics from the proper officials.

Mr. KASTLER. There was another question that I asked you that you didn't answer yet, and that was regarding the insane lady. Can you tell me in whose custody she was when she was taken to this house?

Mr. GORNEAU. When she was taken to this house in Rolla?

Mr. KASTLER. Yes.

Mr. GORNEAU. I believe it was Joe Nicholas. I believe Mr. Lee or someone else from the reservation could answer that question or maybe from the welfare. I believe it was Joe Nicholas.

Mr. KASTLER. I will go into this further with another witness.

Thank you, Mr. Gorneau.

Mr. MAXWELL. Mr. Chairman, may I inquire briefly?

Chairman LANGER. Yes, sir.

Mr. MAXWELL. Mr. Gorneau, you mentioned that you felt you saw a way open for settlement of certain jurisdiction matters. Are you referring to criminal jurisdiction there?

Mr. GORNEAU. No.

Mr. MAXWELL. To what did you refer?

Mr. GORNEAU. The insane.

Mr. MAXWELL. That was just with reference to the insane?

Mr. GORNEAU. Yes.

Mr. MAXWELL. Thank you.

That was my question.

Mr. HART. Mr. Chairman?

Chairman LANGER. Mr. Hart?

Mr. HART. Mr. Gorneau, you mentioned here about some people going out into Montana and discovering that their land was being farmed and they were receiving no income from it. Have you heard remarks such as that in other cases, similar to that in other years as to other people?

Mr. GORNEAU. I might have, but this year I have heard the most of it.

Mr. HART. Do you know of many other cases similar to this that you now have knowledge of?

Mr. GORNEAU. Well, I know of a couple, yes.

Mr. HART. In your opinion, would it perhaps remedy the situation if Congress passed a law permitting the individual Indians to sue the Government for the neglect of the Government in the management of their land?

Mr. Chairman, I am referring to this Menominie deal where they collected much money from the Government because of neglect of the Government in managing their property.

Chairman LANGER. I am familiar with that in Wisconsin.

Mr. HART. Do you believe that that would perhaps correct the situation?

Mr. GORNEAU. That would be subject to the people, I suppose.

Mr. HART. Do you believe it would be a good thing for Congress to go into and have a jurisdiction bill which would permit them to sue the Government for improper management?

Mr. GORNEAU. I believe it would. It is like this one case I cited, one tenant out there boasted that from 1905 to 1920 that he used the allotment free. Nobody knew about it.

Mr. HART. And the individual Indian at that time was depending on the Government to take care of that land for him, is that right?

Mr. GORNEAU. That is right.

Mr. HART. Now, getting back to this institutional matter, do you know of any Indian people from this reservation who have gone to St. Elizabeths mental institution in Washington, D. C., which is a Government institution?

Mr. GORNEAU. I have heard of that name, but I don't know any of them personally.

Mr. HART. Is it correct, then, that sometimes people who have mental disorders on this reservation are sent to the Government's institution in Washington, D. C., St. Elizabeths?

Mr. GORNEAU. I have heard of 2 or 3 cases.

Mr. HART. In your memory the agency has utilized St. Elizabeths Hospital three times in the care of people from this reservation?

Mr. GORNEAU. Maybe I got ahead on that. One of the patients was from this reservation. There were three patients involved.

Mr. HART. You mentioned that many of the Indian people prefer to work locally in North Dakota instead of going to these relocation centers in Chicago and Los Angeles, and so forth. Have you heard that remark many times or has it been an isolated case?

Mr. GORNEAU. I refer mostly to these single people, and some of them have returned. The picture that is painted for them here before they start turns out to be anything but, after getting over there. That is the complaint of some. Of course some go out there and they stay there.

Mr. HART. Of the people you have talked to who have been away from the reservation working, do you find that they have any difficulty medicalwise, that is, in paying their bills medically in, say, Grand Forks, Fargo, and such as that?

Mr. GORNEAU. Well, I have never heard any of them complain about it, but I imagine the trouble must be there.

Mr. HART. Do you believe that it would assist in the integration of the Indian people if the Government would give to the Indian people away from the reservation the same medical services that they give to the people on the reservation?

Mr. GORNEAU. Come again on that one.

Mr. HART. Do you believe it would assist the Indian people who are away from the reservation working if the Government would give them the same medical services, that is, pay the medical bills where they are working away from the reservation the same as they would when they are on the reservation?

Mr. GORNEAU. That would be one way to keep them from coming back for medical services.

Mr. HART. Do you believe that the present policy of not paying medical expenses for the Indians away from the reservation encourages them to come back to the reservation?

Mr. GORNEAU. In some cases it does.

Mr. HART. For instance, we will assume that A is working at Langdon and his wife is living with him. She is going to have a baby. About how much would it cost for the hospitalization and medical

expenses of having this baby at Langdon in the hospital? Would that be in the neighborhood of one or two hundred dollars?

Mr. GORNEAU. I imagine it would be all of that.

Mr. HART. If that same family were living on the reservation, how much would it cost them, assuming that they used the reservation hospital?

Mr. GORNEAU. Well, it wouldn't cost them anything, except for their expenses of going there.

Mr. HART. Apparently the Government is discriminating, then, between the Indians on the reservation and the Indians off the reservation as to the services that they get?

Mr. GORNEAU. That is right.

Mr. HART. Have I discussed with you several times the subject of law enforcement on this reservation, Mr. Gorneau?

Mr. GORNEAU. I think we have gone over that quite a bit.

Mr. HART. Now, will you tell the committee here, if you know, any of the reactions that you have heard from the people with whom you have discussed relative to the idea that law enforcement should be improved?

Mr. GORNEAU. That is something that everybody agrees on over there, that there should be an improvement.

Mr. HART. You mean the people on the reservation are rather strongly of the opinion that there should be an improvement in law enforcement on this reservation?

Mr. GORNEAU. Yes, especially in South Belcourt.

Mr. HART. In what areas are they particularly interested, the area of liquor or the area of family relations or fighting, and such as that?

Mr. GORNEAU. Well, I think a lot of that trouble can be traced back to liquor.

Mr. HART. That is all.

Mr. LANDBLOOM. Mr. Chairman, I would like to ask Mr. Gorneau a question in reference to Mr. Hart's questions on land.

Do you feel that for the individuals who take no interest in land at all that the Government should handle the transaction on the land and who should rent it, that the individual should not be interested in seeing the land, that we should handle that for you?

Mr. GORNEAU. No, I don't. I believe I mentioned that in my testimony.

Mr. LANDBLOOM. Thank you.

Mr. HART. One more question, Mr. Gorneau. In your opinion, if an individual Indian person has some land and the Government is not managing it, it is negligent in the management or is not taking care of it, do you believe that that individual Indian as a matter of right should have a fee patent so that he could sell it and get something out of it?

Mr. GORNEAU. I don't see why not.

Going back to Mr. Landbloom's question, I believe I mentioned here that since the Government adopted that policy of letting the individuals do their own leasing out west that there has been an improvement because a lot of it created keener interest on the part of the individual to go out there and look after his own holdings.

Mr. LANDBLOOM. Your statement is somewhat contradictory, then, in stating that we are allowing the people to go ahead and lease their land and then the fact that we don't do it.

Mr. GORNEAU. I mentioned the fact that people are not financially able to look after their own leases.

Mr. LANDBLOOM. Then they should give a power of attorney to the superintendent to handle it.

Mr. MILLS. Do they give a power of attorney to the Government?

Mr. GORNEAU. Perhaps the people don't know about the power of attorney.

Mr. MILLS. If they give a power of attorney to the Government, I imagine that the Government would have the same responsibility as anyone else having the power of attorney. That is to take certain precautions.

Mr. LANDBLOOM. That is right.

Mr. MILLS. If the Government had a power of attorney and was not managing the land properly, I believe the Government should, the same as anyone else, be obligated to make restitution for any damages.

Mr. LANDBLOOM. That is a question of whether they have it or not in these individual cases.

Chairman LANGER. Are there any further questions?

How many are on your tribal council?

Mr. GORNEAU. Eight.

Chairman LANGER. Is the term for 1 or 2 years?

Mr. GORNEAU. Two years for officers and one for members. There is an election every year.

Chairman LANGER. Half are elected every year?

Mr. GORNEAU. Half serve 1 year; there are 4 holdovers.

Chairman LANGER. How much do you pay?

Mr. GORNEAU. For meetings, \$8.

Chairman LANGER. How often do you meet?

Mr. GORNEAU. Well, once a month, unless special meetings are necessary.

Chairman LANGER. Do you have a stockmen's association on this reservation?

Mr. GORNEAU. No, we do not.

Chairman LANGER. Are you satisfied with present conditions here?

Mr. GORNEAU. No.

Chairman LANGER. In what respect don't you like them?

Mr. GORNEAU. Well, mostly for the reasons I mentioned before this committee.

Chairman LANGER. What is the problem on illegitimate children? Do you have statistics on that?

Mr. CHUMBRIS. Yes.

Chairman LANGER. Mr. Jorgensen.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JORGENSEN. I do.

TESTIMONY OF GARMANN JORGENSEN, EXECUTIVE SECRETARY, ROLETTE COUNTY WELFARE BOARD, ROLLA, N. DAK.

Mr. CHUMBRIS. Will you please state your full name for the record?

Mr. JORGENSEN. Garmann Jorgensen, executive secretary of the Rollette County Welfare Board.

Mr. CHUMBRIS. How long have you been the executive secretary?

Mr. JORGENSEN. I have been in this county off and on since 1934, first as a caseworker. I have been executive secretary off and on since 1942.

Mr. CHUMBRIS. Mr. Jorgensen, in your official capacity as executive secretary of the welfare board, you and your staff have made certain investigations of conditions in Belcourt and on the Turtle Mountain Reservation; is that correct?

Mr. JORGENSEN. That is right.

Mr. CHUMBRIS. Do you have any statistics, any exhibits that you would like to discuss at this time which would bring out the question of illegitimate children on the reservation?

Mr. JORGENSEN. Yes.

Mr. CHUMBRIS. Would you please state to the subcommittee just what your findings are, and how you reached those findings?

Mr. JORGENSEN. All right.

We checked the records in the county for the period of October 1, 1953, to September 30, 1954, and found that during this period in this county there were 404 children born of both Indians and whites. Out of wedlock, we found there were 21, and we found that there was 1 child out of wedlock that was not recorded—the birth was not recorded as the child was born at home; 3 were born at the maternity homes, in Fargo.

There was a total of 404 births. Out of these we find that 24 illegitimacies were from Indians and 1 white. Approximately of the births, 1 illegitimate birth out of 8, for the Indians and 1 out of 199 for whites.

We found these figures as to ages of the mothers of these infants: Mothers over 25 had 6.

In the ages between 18 and 25, there were 12; and in the mothers in the 17-year-old group there were 5; and in the 14-year-old group there were 2; a total of 25 illegitimate children.

As to the number of children out of wedlock of above mothers, we found that 17 were single women, 2 were divorced, 1 was widowed, 1 deserted, 3 separated from their husband, and 1 had a husband in the penitentiary.

We found that 16 had their first child; 4 had their second child.

These are all illegitimate births—2 had their third child and 1 had the fourth; 1 had the fifth and 1 the seventh child with 3 different sires.

Chairman LANGER. You mean that 1 lady had 7 illegitimate children?

Mr. JORGENSEN. Seven illegitimate children, with three different men.

Now, we prepared sort of a table on ADC. This is as of September 1954.

We found the number of Indian families on ADC to be 120 Indian families, consisting of 398 children.

We found that the families, including children born out of wedlock consisted of 47 mothers with a total of 93 children.

The mothers of these children receiving ADC numbered 29. Other relatives caring for the children with ADC funds, because of the mothers being absent, perhaps deceased, being minors, or otherwise not competent, consisted of 18.

The ages of these children included unborn, 2; infants, 8; and in the age group of 1, we had 8; in the age group of 2, we had 10; aged 3, 10; aged 4, 6; aged 5, 7; in the age group of 6, there were 6, and in the age group of 7, there were 5; in the age group of 8, there were 5; in the age group of 9, there were 4; and in the age group of 10, there were 4.

Chairman LANGER. These groups do not mean anything to me.

Mr. JORGENSEN. This is just the age group of the children.

Chairman LANGER. There were 24 illegitimate children born the last year?

Mr. JORGENSEN. There were 24 born to Indians. There were 25 altogether.

Mr. CHUMBRIS. Mr. Jorgensen, I ask you this: Do you have some of these statistics and charts that you wish to present to the subcommittee for future study?

Mr. JORGENSEN. I would be glad to submit this pamphlet that I made up so that you may study that.

Mr. CHUMBRIS. Are you going to submit the entire pamphlet as an exhibit later?

Mr. JORGENSEN. I will be glad to do that.

Chairman LANGER. How does the number of illegitimate children for last year compare to 5 years ago?

Mr. JORGENSEN. Well, we haven't really made an intensive study of that. I would say that it averages approximately this from year to year. It is difficult to say, without going back. We compiled some figures some time ago and found that we knew of 222 children born out of wedlock. That was taken from our card index of 1950. That would also include children that were not necessarily born during that period of 1950 to 1954, but would be the number of children that belonged to us.

Chairman LANGER. Would you say that illegitimacy is on the decrease or increase?

Mr. JORGENSEN. That would be difficult to say without checking. We did check several years ago and did at that time find that it was appreciably increasing, but this was taken several years ago.

Mr. CHUMBRIS. You say that several years ago the check indicated that there was an increase?

Mr. JORGENSEN. There was not.

Mr. CHUMBRIS. Was it a decrease?

Mr. JORGENSEN. It was about the same.

Mr. CHUMBRIS. That was 2 years ago?

Mr. JORGENSEN. That was several years ago.

Mr. CHUMBRIS. When you say "several" would you say 2, or 4?

Mr. JORGENSEN. Five, I think.

Mr. CHUMBRIS. About 5 years ago a check indicated that the level was about the same?

Mr. JORGENSEN. At that time.

Mr. CHUMBRIS. As in previous years.

Chairman LANGER. As a matter of fact, there has been a decrease, then, because your population has been increasing.

Mr. JORGENSEN. I wonder if the population has been increasing. The statistics show that we have around 4,400 Indians in this county, but the roll book shows 8,000. I wonder if they have left, perhaps? To

me it seems—although I have nothing to base it upon—that our Indian population, perhaps, is not as large as it was before, because of a certain amount, perhaps, having left.

Chairman LANGER. Miss Jerby made a thorough investigation here under Governor Moses, and filed it in Washington. There is no question about the increase in population. You consider the 6,000 enrollees that moved to Montana and back and forth. So you have an increase in population.

Mr. CHUMBRIS. In this survey that you made 5 years ago, was that made from an overall study of illegitimate cases, or did it deal only with the illegitimate cases that you had in your welfare department?

Mr. JORGENSEN. If I remember right, I think we worked that through the school department, through the enrollment of children.

Mr. CHUMBRIS. Would that be an overall study?

Mr. JORGENSEN. That would be pretty much of an overall study.

Mr. HART. Are the statistics that you have now from a birth statistics record?

Mr. JORGENSEN. They come from the clerk of court's records here.

Mr. CHUMBRIS. Was the other study made from the clerk of court's records?

Mr. JORGENSEN. No.

Mr. CHUMBRIS. So there is no comparability between the two studies, to determine increase or decrease?

Mr. OVRE. It may be, Mr. Chairman, that the figures here may be a little help in answering your question. I have some figures from the North Dakota Division of Vital Statistics for the years 1950, 1952, and 1953. Those figures show that in 1950 there were 23 children born out of wedlock on this reservation, Indians enrolled at county.

In 1952, it is 24; and in 1953 it is 22; so it seems to be somewhat consistent. It is about the same. He has the figures here for last year, 24.

Mr. HART. Do the records show figures for 10 or 15 years ago, before the advent of the welfare program?

Mr. OVRE. We have none of those.

Mr. CHUMBRIS. Those are State records?

Mr. OVRE. Yes.

Mr. CHUMBRIS. And you are going to introduce those tomorrow in Bismarck?

Mr. OVRE. Yes.

Mr. CHUMBRIS. Mr. Jorgensen, you have given us some advance notice of some of these findings that you have made, and here you have a study of 222 children, part Indian, born out of wedlock, of those known to the Rolette County Welfare Department.

Using this chart as a basis, since we have copies, and can probably follow it better, would you like to explain your findings?

Mr. JORGENSEN. Out of this 222 children born out of wedlock, we found that 109 were receiving ADC. Not receiving assistance at the time were 113.

We found that paternity was denied in 19 of these cases, acknowledged in 27.

Mr. MILLS. Excuse me. Is that 19 not receiving ADC and 27 receiving ADC, where it was denied?

Mr. JORGENSEN. That is right. Acknowledged were 27, with 25 receiving ADC.

Whereabouts of alleged father unknown: We found that there were 11 not receiving and 24 receiving ADC.

Acknowledged father deceased: We found 2 not receiving ADC and 1 receiving it.

Questionable facts: 12 not receiving and 14 receiving.

Legitimized by subsequent marriage of alleged father to mother: We found 34 not receiving and 1 receiving ADC.

Adopted by stepfather: 6 not receiving and 1 receiving because the father is disabled.

Adopted by others: 6 not receiving and none on ADC there.

Placed by licensed child-placing agencies: 2 not receiving ADC pending adoption, and 6 receiving.

Bigamy cases: None not receiving but one receiving ADC.

Referred to child welfare and pending: 2 not receiving and none receiving.

Under "Established in court, denied in district court": We found 1 not receiving and 1 receiving.

Under "Incest": We found that 1 was not receiving ADC and 2 were, because the father was in the Federal penitentiary.

That is sort of a breakdown of what happened to several of these children here. It all comes out to the fact that I thought you might be interested in knowing how the ADC perhaps affected these families.

We found that in the families where the mothers are receiving ADC as of September 1954, that 16 recipients of ADC had 25 daughters giving birth to illegitimate children, giving birth to 39 children.

Mr. CHUMBRIS. State that again.

Mr. JORGENSEN. We found that of 16 ADC recipient mothers, 25 of their daughters had given birth to illegitimate children consisting of 39 children.

Mr. HART. May I interrupt for a question?

Chairman LANGER. Surely.

Mr. HART. Of those 25 daughters giving birth to illegitimate children, can you tell us how many of those daughters had parentage established?

Excuse me—that would not be involved.

Mr. JORGENSEN. No. On paternity, we have a great deal of difficulty, trying to establish it, although we have had some success. It is rather difficult. We don't get much cooperation.

Mr. CHUMBRIS. I understand that you have an exhibit on desertion. Would you like to explain that at this time and give us the nature of some of those desertions, and the extent of them?

Mr. JORGENSEN. We find that we have 21 cases of desertion involving a total of 63 children.

Public assistance is being used in most of these cases, to provide for the children's needs.

Under No. 1 here, the whereabouts of the father is unknown.

Deserted in 1946. Reported to State's attorney and TMIA. At that time she had 4 children; has 5 illegitimate children and reported illegally cohabiting with alleged father, their first child being born when he was 17. Reported July 28, 1954; no action.

Mr. CHUMBRIS. No action?

Mr. JORGENSEN. By law we have to report to the United States attorney. We also try to report it to the agency to get help in establishing paternity.

Do you want me to give you more examples?

Mr. CHUMBRIS. I would like for you to state when you reported to the agency, what the result was there.

Mr. JORGENSEN. No action. Where stated "No action" that means on any level. Of course it is a different thing to establish paternity in many cases. We realize that, but we have to report it—and we would like to see some action.

Mr. CHUMBRIS. Let me ask you this question while you are still on the subject.

Is your giving of ADC affected in any way by the failure of the mother to file a complaint against the father?

Mr. JORGENSEN. No. The law says that we may try to establish paternity, and we have always interpreted that that we should try to get it, but not that it was a requisite, and that we could refuse ADC if they refused.

Mr. CHUMBRIS. Do you have a philosophy along that line in your office?

Mr. JORGENSEN. Yes. Our workers will try to talk to the mothers, and try to obtain the paternity, get a paternity established, explaining the benefits it would have for the child, that there might be inheritance involved later on, and different things like that; and try to prevail upon them to name the father. In many cases, they do. Then it gets down to trying to get an alleged father to admit it, and to sign the paternity blanks. Sometimes we succeed and sometimes we don't.

Mr. CHUMBRIS. You say that the law "says," it says you may, and therefore you consider it within your discretion: is that correct?

Mr. JORGENSEN. That is right.

Mr. CHUMBRIS. In the exercise of your discretion, have you ever refused ADC to the mother who did not file a complaint?

Mr. JORGENSEN. I don't believe we have done that on those grounds, but I will frankly admit that there are, perhaps, at least 60 to 100 cases that could be put on ADC where it involves illegitimate children, but we do think that that does not always solve the problem. So we try to encourage them to perhaps find work, and have relatives take care of their children while they are employed during the day.

Technically, they would all be eligible for ADC.

Mr. CHUMBRIS. Could you state whether under the social-security law and its regulations, you must or you may give ADC under the situation where paternity has not been established?

Mr. JORGENSEN. If they insist on making application for ADC we must give them ADC.

Mr. CHUMBRIS. You must give them ADC. That is what the social-security law states?

Mr. JORGENSEN. Yes.

Chairman LANGER. In these investigations, has the superintendent of the reservation cooperated with you, or done anything at all?

Mr. JORGENSEN. Well, we have had so many superintendents. They come and go like flies, you see. You just barely get acquainted with one and he leaves. Your working relationship is not too strong. The ties are not too strong because they do not stay long enough.

Chairman LANGER. How many superintendents have you had in the last 5 years?

Mr. JORGENSEN. Well, let me see.

Chairman LANGER. In the last 3 years?

Mr. JORGENSEN. Well, in the last 3 years I think we have had 4 or 5. I believe it is 4.

Mr. CHUMBRIS. Did you have that many changes in the previous 5 years?

Mr. JORGENSEN. Maybe not so many, but since I have been here I believe there must have been at least seven changes, and then there have been acting superintendents in between times. So there has been a dozen, I am sure.

Mr. CHUMBRIS. Would you please give us a few more examples of these 21 cases of desertions?

Mr. JORGENSEN. No. 2:

Deserted, 1946. At that time she had two children. Has had since that time one child born out of wedlock. Desertion reported State's attorney on July 3, 1951. No action taken. Whereabouts of father unknown.

Mr. CHUMBRIS. I notice here on the chart, for instance, in the first case that you reported, that she had 4 children, then another, making 5 illegitimate children, and that there were 9 children involved.

Mr. JORGENSEN. That is right.

Mr. CHUMBRIS. And in your third case there were six children involved in that family.

Mr. JORGENSEN. That is right.

Chairman LANGER. In the case of the six children, how much ADC does that lady get? With six illegitimate children?

Mr. JORGENSEN. There are many cases in large families where the amounts run to \$250 or \$300 per month. It varies, according to the number of children.

Chairman LANGER. In other words, the more illegitimate children that lady has the more money she gets?

Mr. JORGENSEN. Definitely, yes.

No. 3: Deserted, 1952. Reported to State's attorney, August 1, 1952. No action taken. ADC provided support until father's return. Again deserted 1954. Same reported State's attorney, July 7, 1954. No action taken. Also reported TMA 1st of July 1954, and no action taken.

Mr. CHUMBRIS. Mr. Jorgensen, you have an exhibit in which you have 21 cases, and they are pretty much the same.

Mr. JORGENSEN. Yes.

Mr. CHUMBRIS. You are going to introduce that as an exhibit; are you not?

Mr. JORGENSEN. Yes.

Chairman LANGER. It will be admitted.

(The document here referred to, marked as "Exhibit No. 22," is as follows:)

EXHIBIT No. 22

*Desertions*¹

Case No.	Action	Number of children involved
1	Whereabouts of father unknown. Deserted in 1946. Reported to State's attorney and TMIA. At that time she had 4 children. Has 5 illegitimate children and reported illegally cohabiting with alleged father, their first child being born when he was 17. Reported, July 28, 1954, no action.	9.
2	Deserted 1946. At that time she had 2 children. Has had since that time 1 child born out of wedlock. Desertion reported State's attorney on July 3, 1951. No action taken. Whereabouts of father unknown.	3.
3	Deserted 1952. Reported to State's attorney Aug. 1, 1952. No action taken. ADC provided support until father's return. Again deserted 1954. Same reported State's attorney July 7, 1954. No action taken. Also reported TMIA 1st of July 1954 and no action taken.	6.
4	Deserted 1946. Reported to State's attorney July 1, 1952. No action taken. She had 2 children born to them at the time of desertion. Another child has since been born out of wedlock.	3.
5	Deserted 1947. Reported to State's Attorney July 1, 1952. Had 1 child at the time of desertion. Since then 2 children have been born out of wedlock.	3.
6	Deserted 1946. Returned home 1947 and left again in 1948. Reported State's attorney Aug. 15, 1951. Has since been illegally cohabiting with another reported deserter. Reported to TMIA and State's attorney. When action was started she left with fellow with whom she is living and has now established residence in Montana.	7.
7	Deserted June 1952. Reported to States attorney and TMIA July 1952. He was tried for nonsupport and ordered to pay but left the county and has not returned and has not been supporting.	6.
8	Deserted 1952. 1 child born to the marriage, at the time of desertion. She is now expected mother of another child by illegitimate pregnancy. Reported to States attorney Aug. 27, 1954, refused action as she is Indian and is out of his jurisdiction. TMIA also notified.	1.
9	Deserted 1951. Child lives with grandmother who receives ADC for his care. Reported States attorney July 1, 1951. TMIA has had him in court and has ordered him to pay toward child's support. However, he has not made the payments. Reported TMIA again 1953, no action taken.	1.
10	Parents divorced. Mother remarried. Neither parent contributes toward the support of the child who is cared for in ADC-foster home. Reported State's attorney. No action.	1.
11	Both parents deserted child when he was 6 months old. Their whereabouts is not known. Child cared for in ADC-foster home. Reported to TMIA, no action.	1.
12	Reported to State's attorney Jan. 20, 1953. No action, as whereabouts not known. Children cared for in ADC-foster home. These children were born out of wedlock.	2.
13	Father deserted. Reported to State's attorney Jan. 20, 1953. No action taken as whereabouts not known. Mother illegally cohabiting with another man. Living in Wyoming. Man with whom she is living did not want the child so mother deserted child with relatives. He is now cared for in ADC-foster home.	1.
14	Reported to State's attorney. Case pending in court. Mother has gained residence in Williams County. Children now living with mother.	4.
15	Father deserted 1948. Reported to State's attorney and TMIA. Whereabouts of father was not known. Action not taken. Children cared for through ADC. Mother obtained a divorce, had 1 illegitimate child and when pressured regarding their paternity, she married alleged father and he refused to care for the 2 children. They have left the State and her address is not known.	2.
16	In State court 3 times. Children on ADC. Parents divorced and both have remarried. Support for children needed.	2.
17	Parents divorced. Both remarried. No support from either parent. Children living with grandparents. ADC provided for their needs. Father appeared in court at one time and ordered to contribute, however, has not done so. Reported to State's attorney on several occasions. In State court twice.	2.
18	Deserted 1953; 4 of the 6 children were born out of wedlock before their marriage. State court. Bench warrant issued. Reported TMIA and State's attorney 1953 and several times since.	6.
19	Deserted December 1953. Action brought against him for nonsupport at this time. State's attorney since then aware of the situation. TMIA also notified at that time. Some payments made by father but not consistent. State court, bench warrant issued July 1954.	1.
20	Deserted 1948. Reported to State's attorney. No action taken as his whereabouts was not known. He has during this time returned to the home but left again. Presently inmate at the State penitentiary. Family living in Bismarck.	1.
21	Parents divorced. Mother remarried. Father ordered to contribute toward children's support. Has not done so. Presently illegally cohabiting with case No. 6 in Montana. ADC used to provide for needs of 4 children in the home of stepfather. Case reported to State's attorney several times but father claimed disability and unable to hold employment due to disability.	4.

¹ There is a total of 63 children involved in 21 cases of desertion. Public assistance is being used in most cases to provide for the children's needs.

Chairman LANGER. Did you ever run across any cases where these ladies with illegitimate children who prefer not to get married?

Mr. JORGENSEN. Yes.

Chairman LANGER. They prefer to remain in single status and have more children?

Mr. JORGENSEN. Whether they prefer to have more children is difficult to say. The economic situation in this county is terrific. It is in a slump, work is difficult to find. A lot of these people are of the Catholic faith and it is against their religion to get a divorce. So what happens is that perhaps their husband is dead or the husband has deserted, so they take up with another man, and when they have a large family, he probably couldn't earn sufficient to support his family if he were to take it upon himself. Consequently they would rather live together and they have a certain amount of income, then, to take care of the family. If they got married, it would involve the cost of obtaining a divorce, which most of them are not financially able to pay for, and besides that, it is more or less against their principles. So if they should happen to get married, and we have been able to get a lot of them to get married, then, of course, they can refuse to support the stepchildren, if they wish, and assistance can still come for the stepchildren.

Mr. CHUMBRIS. Mr. Jorgensen, in case 21 and in case 6, I understand that they are illegally cohabiting with each other; is that correct?

Mr. JORGENSEN. We have a lot of those cases.

Mr. CHUMBRIS. Is there any special significance, as far as ADC, in a situation such as that, case 6 and case 21, if you wish to comment on it?

Mr. JORGENSEN. While I am looking for this, perhaps I could cite a case that is very typical. I am not delaying the answer, but it will give you the same picture, perhaps.

We talked to the health department here the other day at the board meeting, and Mr. Myers had made an extensive survey in the county, of tuberculosis, and he started this survey about July 21. They had taken 900 X-rays since July 21, and he had made this report about the last Tuesday of last month. They found 21 active tuberculosis cases which had been admitted to the sanitarium, and since that time 3 had died.

In giving this report, he cited a case to us, and asked what to do about it.

This particular woman has, I believe, several children, with her former husband, who has not exactly deserted her, but left the county and took two of the children with him. Since that time she is living with another man, and they have three children. She was found to have active tuberculosis with a rather large spot on her lung and the recommendation was that she should immediately be put into the sanitarium. One of her children was removed and put into the sanitarium, a young child. Her dilemma is that she doesn't want to go into the sanitarium unless some assistance can be put in for the children. She doesn't want anyone else to take care of her children but the boy friend, and we are trying to find out what we can do. We don't feel that we can put ADC in, because they are not married. They have no money to get a divorce. She refuses to go to the sanitarium unless the children are cared for by this particular man. We

are working to raise funds to obtain a divorce for her so she can marry and the boy friend can take care of the children.

We have many cases of illegal cohabitation.

Chairman LANGER. Won't the county attorney get a divorce for her?

Mr. JORGENSEN. Yes; if they have the money, they will get a divorce, but a divorce in this county, I believe, costs \$125, and to these people \$125 is a lot of money.

Mr. CHUMBRIS. Mr. Jorgensen, when you stated that no action was taken, that means no legal action was taken: is that correct? That means that after you brought it to the attention of the proper authorities, no legal action was taken to establish paternity?

Mr. JORGENSEN. Yes.

Mr. CHUMBRIS. I wanted to clarify that for the record.

Mr. JORGENSEN. Just what would you like to have me tell you about case No. 6?

Mr. CHUMBRIS. We asked about case 6 and case 21. I think in case 21 that the ADC had to take care of the four children of the stepfather, who went to live with the woman in Montana?

Mr. JORGENSEN. In case 21?

Mr. CHUMBRIS. Yes: "ADC used to provide for needs of four children in the home of stepfather."

Mr. JORGENSEN. Oh, yes. We would have to put in ADC there. We find too that on these desertion cases, if the pressure gets a little too intense here, they will leave. Montana is the spot where they quite often go, and, if we can't find them, we have no choice in the matter but to put in ADC for the case of these children.

Mr. CHUMBRIS. And you have already introduced in evidence all of the facts in these 21 cases; is that correct?

Mr. JORGENSEN. Yes.

Mr. CHUMBRIS. Now, I understand that you have some other findings that your staff has made, under the title of "Human Interest"?

Chairman LANGER. Just one minute.

I notice that one of these cases was in the Federal court. You had some in the tribal and some in the district court. How did that one get to the Federal court?

Mr. JORGENSEN. We have had some cases go into Federal court. That perhaps was rape.

Chairman LANGER. That was a rape case?

Mr. JORGENSEN. Rape cases. There are quite a number of rape cases here, but not too many get into court. But there are some of these cases.

The other desertion cases, usually come up before the local State's attorney.

Mr. CHUMBRIS. Why were those rape cases that you were referring to not brought into court?

Mr. JORGENSEN. Well, it is difficult to say. A lot of them probably are not reported, not too much said about it. Some of them get into Federal court and some of them don't. We know of many rape cases. We have talked to the local doctor out at the agency, the head of the medical department at the agency, and he has made the statement that there are very few girl children that he examines at the age of 5 or 6 that haven't been sexually molested by older people. He thinks

that children's natural curiosity would not be involved. It is usually by relatives or older people.

Mr. CHUMBRIS. Are you making any distinction between rape and statutory rape as the legal definition has it?

Mr. JORGENSEN. Well, we sort of feel that if the girl involved is under 18, that that is statutory rape, but when it gets down to children of 10, 11, 12, 13, and 14, why, we certainly feel that it is criminal rape. We have a number of children, and this year there were two 14-year-old girls giving birth to children. Last year I believe there were 4, and the year before, I believe there were 4.

We know of examples where girls at the age of 10 and 9 are being raped. We know smaller children have been raped, and brought to the hospital to be sewed up. Some of them get to court and some of them don't.

We also have what we call on the reservation, places that we call delinquency breeders. Those are pretty strong words, but I don't know any other way that we can explain it.

I will give you some examples:

We have an ADC mother, who allows illegal cohabitation of men with her daughters in the family home. When pressured in March of this year regarding the above situation, she signed for the marriage license for her 14-year-old daughter, stating that she was 16 years old.

This was tried in tribal court and the results I don't know, but I happen to know that I called the school superintendent that time, because the child was not in school and the law says she must be in school until she was 17 or has graduated from the eighth grade. She hadn't done either, so we called the teacher and he said "She is married."

"Well", I said, "do you know how old the girl is?"

He said "14." "Well," I said, "the law in North Dakota says you can't get married until 15, with the parents consent."

So we put considerable pressure on there and insisted that she had to go to school, and that the boy should leave. They came in and tried to get married and, of course, the mother said before the justice of the peace that the girl was of age, which she was not.

Since then she has become of age and she is married.

We have many cases where the parents condone this sort of thing:

During the month of July, one young man from the Dunseith community was prosecuted in district court for rape of his 10-year-old sister. He received a sentence of not less than 10, nor more than 20 years, in the State penitentiary.

We get some prosecutions for incest in the Federal court. We had another case of a young mother receiving assistance where she had 4 illegitimate children, and she spent so much time partying that 1 of them died from malnutrition, and neglect, and other complications.

Chairman LANGER. Was the mother arrested?

Mr. JORGENSEN. No; the mother was not arrested in that particular case.

I called it to the attention of the then superintendent. She lived in a shack in Belcourt that wasn't fit to live in. She moved because the pressure became too great of all these men coming in all the time—she moved to another place that was about 10 by 15 and there was a family there that totaled about 15 people, living in that 1 place.

When they had the beds stretched on the floor there was no room to walk.

I went to see the superintendent and said I wanted him to see the conditions under which the people lived, and I brought him to the place and showed him, but that was the end of it.

In another case that came to our attention the parents were receiving ADC and all of a sudden decided to go to Montana to visit, and perhaps find work. They had left 1 girl, 17 years old, in charge of these minor children. I believe there were three minor children.

They took off and left them a sack of flour and a sack of potatoes. The conditions became alarming. The neighbors complained to us, stating that these children were going from house to house begging for food. We went to the place and had the juvenile court, with the permission, I believe, of the superintendent, make out a temporary order and had those children removed from the custody of the parents while the parents were gone, and they are still in Fargo. This girl of 17 had had 2 miscarriages before, or at the age of 17, and she is now 18 years old and has an illegitimate child and is not married, and the man who is the alleged father of these children is going scot-free.

We have called this to the attention of the agency specifically, because we feel that there is something material gained by obtaining paternity there, if nothing else than because he has resources, but so far, nothing has happened.

Mr. CHUMBRIS. Mr. Jorgensen, from all of the investigations and inquiries that your staff has made, is there any recommendation to make specifically on the question of ADC, illegitimacy, and desertion, that you have been describing here in your testimony? Do you have any recommendations that you would like to submit that we could study here?

Mr. JORGENSEN. Yes; I believe I do. I was wondering if I could perhaps give you that later, or would you want it right at this minute? I have made up a few recommendations here.

Mr. CHUMBRIS. You may leave it at the end of your testimony, if you so desire.

Now, is there anything else on this particular question that you wanted to bring out at this time?

Mr. JORGENSEN. No. But, if I may, I would like to give you a little résumé of the potato business in the State.

Chairman LANGER. Now, on this matter of recommendations, Governor Burnsdale is very much interested in this matter. He is setting aside 1 week in the legislature, and they are going to take up nothing else but this problem. When you make your recommendations, would you be so kind as to send Governor Burnsdale a copy of them?

Mr. JORGENSEN. I will be glad to.

Every year we have a number of people that leave here and go to the valley and pick potatoes. It is fast money and it breaks the monotony and they have a good time visiting. Every year we take into consideration the resources that are gained by going to the valley.

If they are on the assistance program we have to count all their resources, and we deduct it from the grant, and they really do not benefit by going.

We thought we would send a caseworker down to check on the living conditions where they dig potatoes. They are worse than where they

are living at the present time. They live in paper shacks, and panel cars. It is worse than the reservation. We saw it firsthand.

We did this specifically, not so much to find out the resources of these people, but we wanted to know how many children are kept out of school every year by going down to these potato harvest fields, and so we made a survey.

It is not a complete survey because we did not have time to get to all the people down there. We got to a good many, and have them, and the figures are quite appalling.

The list we compiled consists of 66 families with children that were picking potatoes in the valley, and of these there were 119 school children and 74 preschool children. That makes a total of 193 children that we found. We did not make a complete survey. We found deplorable conditions. We found, for instance, that there were 21 arrests in the Valley during potato harvest that were in jail. They were arrests for drunkenness, reckless driving, and leaving the scene of an accident.

We found two in jail for check forgery. That makes a total of 23 people that we found that had been in jail. We further found that one child died from absolute malnutrition and neglect.

We made a copy of the certificate filed in the Walsh County Court house, October 7, 1954, signed by Dr. John Durkin, Jr., showing that the child died from bronchial pneumonia, 5 days' duration, due to malnutrition, on September 25, 1954.

We understand that the parents were picking spuds. They were sleeping in a panel truck and the children were left at home during the day to shift for themselves.

We also understand that this is the second child lost to this couple during the potato season.

Mr. CHUMBRIS. Is that an ADC case?

Mr. JORGENSEN. No; it is not. We made a survey to see how many children there were out of school altogether, and it is interesting to see where all these children are, in different schools.

We find that the school enrollment in the Turtle Mountain Government School, Rolette County, last year, and the end of 1953 when they had probably the maximum school attendance, consisted of 821 children. We found that on October 1, 1954, there was an enrollment of 638. There is a discrepancy of 183 children, 183 children missing. I suppose a lot of them are in the potato fields.

We found that the children at St. Ann's Mission consisted of 300 going to summer school. We find children at other schools totaling 1,552 Indian schoolchildren, which does not include 10 ADC foster home children in schools elsewhere, nor does it include the children in public schools and a few children at the Little Flower Mission, at St. Michaels.

Chairman LANGER. Were any of these parents arrested for not sending their children to school?

Mr. JORGENSEN. Not that I know of.

Mr. CHUMBRIS. Have you had any recent information on that, Mr. Jorgensen?

Mr. JORGENSEN. Of them being arrested? Yes, I do. I talked to the tribal judge the other day.

Mr. CHUMBRIS. Were any arrested that you have found out about?

Mr. JORGENSEN. No; there were 18 parents that were tried, I think.

Mr. CHUMBRIS. So they have filed 18 complaints against these parents for not sending their children to school?

Mr. JORGENSEN. That is what I understand.

Mr. CHUMBRIS. You don't know what the result of those complaints is?

Mr. JORGENSEN. No, I do not, sir.

Mr. CHUMBRIS. Are you through with that potato picking report?

Mr. JORGENSEN. Yes.

Mr. CHUMBRIS. I understand that you have also made some inquiry as to drinking on the reservation, is that correct?

Mr. JORGENSEN. That is right.

Mr. CHUMBRIS. Would you please report on that?

Mr. JORGENSEN. Well, we always used the figure that there were 18 bootleggers on the reservation. This is before the Federal law went into effect, that the Indian can drink, which I think should be, anyway. We always thought there were 18, and then some young man made a survey for his doctor's thesis last summer and informed me that there were 50. So we thought we would sit down and see how many we would think of, just in our minds, and got together, my workers and I, and compiled the names of 43. So we are only 7 behind his 50. He must have better information than we have. So perhaps his figure of 50 is correct.

Mr. CHUMBRIS. What have you done with that list of 43 names? Have you taken any official action on that?

Mr. JORGENSEN. No, I haven't. I don't have any definite proof of that. It is hearsay. It is things that we know happen. For instance, I talked to a lady the other day that has been complaining about this bootlegging business, and she informed me that she lives close to the bootlegger and for years now has had trouble with traffic there. They bother her at night. They try to get into the house. They are always looking for the bootlegger and they come to her place and it is quite a nuisance. She went to the—at the time—superintendent of the agency and informed him of the hardships she was suffering because of this bootlegger traffic and he said that he was sorry, there wasn't a thing he could do. She would just have to move, to get away from it. She hasn't moved, and says she is not going to move, because it is her place.

Mr. CHUMBRIS. Have you taken this up informally with the law enforcement officials, and the prosecuting attorneys of the respective agencies, such as on the State and Federal levels, and on the tribal court level?

Mr. JORGENSEN. I don't know if we have done too much about that bootlegging. We have always complained about the amount of liquor that is being consumed and the difficulty that that brings on.

We have made list upon list of illegal cohabitations, and turned them over to the agency, year after year, with no results.

You finally get so tired of writing up these things and submitting them, that you just give up.

As far as the bootleggers, I don't think we have given a list of them, but I think they are pretty well aware of who they are—or they should be.

We find that lack of law enforcement on the reservation is bad. The reason we think it is bad is not necessarily because of lack of funds, although that is a factor that they mention, that they have no funds to pay for the expenses in jail.

The court of Indian offenses has been handicapped, they say, because they have no jail at the agency, and have to pay \$1.50 to the county jail to keep the man. Consequently, all they can do is give him a day or 2 days, where it should be maybe the maximum of 90 days.

It is also further handicapped, because of lack of peace officers. I don't know. They have two at the present time. For years they had only 1 man to look after 4,500 people. It is difficult to look after that many people, and the car is also in bad condition.

Mr. CHUMBRIS. What is the area?

Mr. JORGENSEN. They cover a reservation consisting of two townships, and the Indian territory. I believe that is what they cover.

We find that lack of law enforcement is very common. We find that the following things are very common, and are not exceptions:

Wife-beating, drunkenness, assault and battery, desertion, non-support, illegal cohabitation, rape, petty larceny, and vagrancy.

Maybe I am using the wrong term, but I use this term because I find so many young people driving along with no place to go, no employment, just carousing along, and I call it vagrancy.

There is bootlegging and drunken driving. Many accidents on the reservation are not reported to the State police.

There is lack of school attendance. All these things we find are very common.

If you would like me to, I would be very glad to read my recommendations, and that will be about all I have to say, unless you have questions.

My first recommendation is that there should be abolishment of the reservation system, within a short-term period.

I think that the reservation system is one of the most evil systems in existence. I think this should be done by transferring present segregated services to already existing Federal and State facilities, with Federal allocation of money to those agencies that might be in need of such.

An example is like we have done, when Congress now transferred the Indian health department over to the United States Public Health Service, which is a step in the right direction.

In lieu of this, if this could not be done, my recommendations are as follows:

A full-time juvenile commissioner and truant officer on the reservation.

Stronger law enforcement and preferably under State and county jurisdiction, with Federal reimbursement.

In education, nonsegregated schools, a strong and active PTA. Adequate vocational education given in the school. More facilities for children to participate in FFA, 4-H, home economics, arts and crafts, et cetera.

Their homes have nothing to offer in the line of inducement to keep the children at home. They live in shacks, poorly furnished, with no recreational facilities, no furniture. The parents are very lax in disciplinary measures now. It seems like they have given up.

Encouraging war veterans to participate in veterans' vocational programs. We have some that are actively participating now. It gives them a chance and an opportunity to learn something in the future.

Mr. MAXWELL. You are going too fast. I can't understand you.

Mr. JORGENSEN. It means so much to me.

Mr. CHUMBRIS. Mr. Jorgensen, you were mentioning the type of houses. I will show you a picture here of an Indian house from the Minot Daily News, which has been introduced into evidence at these hearings, and I ask you how do you describe that house, as compared generally to the houses that are on the reservation?

Mr. JORGENSEN. That is a typical sample. Some are a lot worse.

Mr. CHUMBRIS. Have you visited the houses on the reservation?

Mr. JORGENSEN. Yes, I have. I have been in this house, too.

Mr. CHUMBRIS. Are they 1-room, 2-room, 3-room, or 4-room houses?

Mr. JORGENSEN. A 4-room house on the reservation is a mansion.

Mr. CHUMBRIS. Most of them are 1-room houses?

Mr. JORGENSEN. Most of them are 1-room houses, and rather small at that. By the time the beds are stretched on the floor, there is not much room to walk along.

Mr. CHUMBRIS. How many people live in that 1-room house would you say?

Mr. JORGENSEN. Anywhere up to 15.

Mr. CHUMBRIS. Does that mean that they have their sleeping facilities and their cooking facilities in the same room?

Mr. JORGENSEN. Everything in the same room. Many of them have no outside privies. There are no toilet facilities inside or outside, except the brush. There is no running water. Many of them have to go a half mile to get water from the slough. No wonder they are having juvenile delinquency. There are many factors involved when people live in conditions such as those. The irony of this is that the Federal Government has been in charge of these Indians through the Bureau of Indian Affairs, for 100 years and more, and to have people live under those conditions, after 100 to 125 years, of intensive effort to do something for them, amazes me. Then they have the nerve on the 100th anniversary, to set up a special post with a buffalo on it, "100 years of progress."

We find that the lack of law enforcement, and the general assistance, and several other things, tend to draw these people back to the reservation.

I will give you examples:

The lack of law enforcement on the reservation is so terrific that they know if they want to get by with infractions of law it is simple, because they haven't got the means to punish them, so they feel they can get by.

They are smart enough to stay out of Federal court and State court in many cases, by having this small stuff on the reservation.

General assistance is another thing that keeps drawing the people back here. If they do make an effort to move out of town, to move into some other community in North Dakota, they are handicapped by the fact that, if they should become unemployed, they do not have sufficient unemployment insurance, and they apply for assistance.

In a lot of cases, it is difficult for them to obtain assistance from this reservation, so they have to come back.

There is another thing that the agency is doing. It is the policy of the agency, as far as assistance for the Indians, that if they live off the reservation they are no longer eligible for Indian general assistance, which means that we in this country have a lot of Indians living off the reservation. The same is true if they live on taxable land, on the reservation.

If they live on the taxable land on or off the reservation, it is up to the county to take care of them under the general funds. We do not have the money to do that. The other counties object to the same thing. They do not feel they should be taken care of as general assistance cases, until they attain legal residence.

The only thing that you can do to this poor man that is caught in between the Federal Government and the county is that the county and Federal Government refuse assistance. The only thing that I can advise that Indian to do is to move on the reservation, just move across the line, and they cannot refuse him general assistance.

Free hospitalization and medical care on the reservation is another thing that draws them back, because, if they move away, they have innumerable difficulties in obtaining medical care.

The average person today, unless he carries insurance, is medically indigent, because of the high cost of hospitalization and doctors' care. Most of the Indians don't have insurance, because they are not used to looking after themselves, in many respects, such as that. So they move to Minot and have to go to a hospital, and the doctors there are not familiar with the Government redtape and that sort of thing. They admit the person because he is sick, and when it comes to getting the bill paid that is fireworks. They had not been authorized. It is true that they cannot be paid unless authorized. So they wind up holding the bill because the Indian did not have the foresight to contact the Agency to have the authorization to have this bill paid. Then they have so little funds, that they have to cut this down to a minimum. They would much rather send the ambulance down and pick up the patient.

Free education draws them back. If they have to go to school outside, there are expenses to pay. Their lunches are free at the Government school but not at any other school. That might amount to 20 cents a day, and in large families, that is an item.

No. 5, I feel that a relocation program is the vitally important program, and that every effort, with money to back it, should be available to concentrate on this program, but it should be a much swifter approach than in the past. I also do not believe that they should send a bunch of rural people like North Dakotans to Los Angeles and New York and Chicago. It is ridiculous. They don't like it, but they have only that choice and that is where they have to go. A lot of them would rather be in North Dakota or in the surrounding States, where the cities are smaller and life is not so complicated.

My sixth recommendation is that there should be facilities perhaps for family and youth counseling. These people are badly in need of all these things.

From my testimony here it might sound as if there are no good people here. That is not it. I happen to be working with the people who are the most unfortunate. We have many good reservation people

who have gone far, and people who are very intelligent, and who, given a chance, will go further than the whites. They have not had the opportunity. They have been living under a yoke and I hope that that yoke will be removed.

Chairman LANGER. Mr. Mills, have you any questions?

Mr. MILLS. I believe that there was one gentleman on the reservation who had an afflicted daughter. Will you please tell us about that?

Mr. JORGENSEN. Yes. He had a daughter that had been crippled from cerebral palsy. It was difficult for her to walk. She was molested twice, raped, and had two children. It was reported. I don't know just what the outcome was. There wasn't too much in the line of prosecution. He informed me that things were so bad that, when he went to work, they would try to break into the house to get at his daughter, and he said he was afraid to go to work. He said they even took an ax and broke in the window. These are things that go on. People are molested against their will. They have no protection.

Mr. MILLS. In other words, in advocating better law enforcement, it is not with a view toward picking up people who have committed criminal violations, just to get even with them. It is a case of trying to protect the people who are here, and the emphasis is on trying to protect these people, is that right?

Mr. JORGENSEN. That is right.

Mr. MILLS. Another item that I believe you told me about at one time related to a child who had been run over by a truck. Would you tell us about that?

Mr. JORGENSEN. I don't believe it was I who told you that. I do know something about it, though.

Mr. MILLS. It possibly was someone else. There is another matter relating to persons who are insane or feeble-minded and are members of the reservation, or living on the reservation. I wonder if you would tell us about Mary Rose Champaign?

Mr. JORGENSEN. I would be glad to. I know most of the details connected with that case.

She was an old-age-assistance recipient and she was living with some people on the reservation, or close to the reservation. She became such a great care for these people that they couldn't handle her any more. So they requested that we take her off their hands. There is an old folks home in Rolla, a rather nice home, that we utilize. We put some of these people in there and pay the costs for them. So she was removed there. I can't say definitely whether she became insane at that time or a few days later. I believe it was a few days after she came to Rolla that she became insane. She became mentally deranged, and we tried to have an insanity hearing on her, and, of course, the local authorities refused to have the insanity hearing because they said they had no jurisdiction in the case, and that the Bureau of Indian Affairs had facilities of their own.

I guess the involvement was that no hospital contract had been signed. The Bureau of Administration had in the past been paid \$45 a month, or something similar to that, which was the same share as the county paid, and I understand there was haggling back and forth between the Bureau of Indian Affairs and the board of administration to settle the cost.

Therefore, this local board refused to admit her or have an insanity hearing. They felt that if they had an insanity hearing it would be necessary for them to commit her.

Mr. MILLS. Then there was a problem of jurisdiction and a problem of payment there?

Mr. JORGENSEN. Right.

Mr. MILLS. How old a woman was she?

Mr. JORGENSEN. I think she was either 74 or 78.

Mr. MILLS. Will you describe her appearance and the appearance of the place she was kept, how long she was kept there, and so forth?

Mr. JORGENSEN. If I remember right, she was admitted to this home around the first part of May. I am not too sure of the date she was removed, but I believe it was some time in July. The reason she was removed to the Belcourt Agency Hospital was because she developed dysentery, I believe. She became ill, and they would accept her. Previous to that they would not accept her. They would not accept her unless she was ill, because they did not have facilities to take care of insane people. But they would take care of her when she became ill.

Mr. MILLS. That was an upstairs room?

Mr. JORGENSEN. She lived in an upstairs room and all the furniture, and everything on the walls, had been removed.

Mr. MILLS. Why?

Mr. JORGENSEN. Because she had violent tendencies at times. Her daughter, who was paralyzed, also lived in that home, and one day she was found taking the daughter by the leg, dragging her. She also ate all the linoleum off the floor and all the bedclothes. She wouldn't eat food at many times. We had to get sedatives from the doctor to keep her quiet.

For a door they had a Dutch door, you might say, so that she couldn't climb over it.

Toward the last she became pretty feeble. She became thinner and thinner and weaker and weaker, and she wouldn't lie on the mattress. She would just curl up like a dog and lie in the corner on an old sweater or something.

Finally, she died, at the agency hospital.

Mr. MILLS. Now, in connection with that, you say they were sedating her?

Mr. JORGENSEN. Yes.

Mr. MILLS. There were a number of old people living there?

Mr. JORGENSEN. Right.

Mr. MILLS. Did you notice any marked effect on the way that affected these other elderly people in the home?

Mr. JORGENSEN. I wouldn't be able to answer that question, because I was not around there too much. My workers might be able to answer that.

Mr. MILLS. She became physically ill before the hospital would accept her, is that right?

Mr. JORGENSEN. That is right.

Mr. MILLS. Do you know of any occasion in which she received a head injury?

Mr. JORGENSEN. Yes.

Mr. MILLS. Will you please tell us about that?

Mr. JORGENSEN. I am not too familiar with the particulars of that, except that at one time she had fallen and had received a blow on the head and they thought that perhaps that led to this condition.

Mr. MILLS. Do you know anyone who would be particularly familiar with that head injury?

Mr. JORGENSEN. Yes, I believe my caseworker would.

Mr. MILLS. That is Elizabeth La Flambeau. We will ask her that. Is she also familiar with the woman who thought her children were cut up?

Mr. JORGENSEN. She is very familiar with that case too.

Mr. MILLS. Is she also familiar with the 33-year-old feeble-minded individual?

Mr. JORGENSEN. She is familiar with that.

Mr. MILLS. I believe I will defer those questions, until she can supply the answers to them.

CHAIRMAN LANGER. Mr. Holmes from Aberdeen.

Mr. HOLMES. Mr. Jorgensen, you stated that you knew of many, many cases of rape on the Turtle Mountain Reservation. Could you give the names—not now—but could you furnish the names and information on that to the United States attorney?

Mr. JORGENSEN. Yes, I could.

Mr. HOLMES. You know, of course, that that is a Federal jurisdiction matter, and that those people can be prosecuted—and should be prosecuted—in the Federal courts. Do you understand that?

Mr. JORGENSEN. Yes, I do.

Mr. HOLMES. How long ago did the case of the afflicted girl happen?

Mr. JORGENSEN. Well, the last birth was not too long ago, I would say perhaps 2 or 3 years ago. The first one I think must be approximately 6 years ago. It is difficult to remember. I don't remember the exact dates. I could get them for you.

Mr. HOLMES. The cases you are relating extend back over a long period of years, is that right?

Mr. JORGENSEN. A lot of this extends back, but it is the same thing at the present time. It hasn't changed any.

Mr. HOLMES. Are you acquainted with Mr. Mills?

Mr. JORGENSEN. Yes, I am.

Mr. HOLMES. Are you acquainted with the gentleman here?

Mr. JORGENSEN. Yes, I am.

Mr. HOLMES. I want to advise you that these two gentlemen are the deputy United States attorneys for this State, and I would like for you to give them all the information that you gave concerning rape cases, on that reservation. They can file these cases on Federal court. That is not a matter that you have to put up with locally. You should get this information to this gentleman right here, and it is his business to prosecute those people.

Mr. JORGENSEN. I will be glad to do that, sir.

Mr. MILLS. I would suggest also that, in view of the fact that we do not do the investigation, that you contact the Federal Bureau of Investigation, who does our investigation on the 10 major crimes, and give them the names and see that they are provided with names and dates, and as much information as you can give them. I certainly think that that is an excellent suggestion. We have five rape cases

pending in the Standing Rock Reservation alone at the present time, and we are very interested in that because we think that is one of the biggest juvenile crimes that can possibly exist.

Mr. HOLMES. Mr. Jorgensen, is the place where Mrs. Champaign was confined operated by the Government or by the Indian Bureau?

Mr. JORGENSEN. That is operated by the State. That is a lady that has applied for a license to take care of a certain number of old-age persons, to give them a home.

Mr. HOLMES. Was she abused or mistreated?

Mr. JORGENSEN. No; the old lady was not abused. In the place where she stayed, the woman that took care of her did the best she could under the circumstances, but she felt bad about taking care of a particular case like that because she wasn't equipped for it. She didn't have sufficient knowledge to take care of it and she was anxious to get the whole thing off of her hands, but we had no place else to put this case.

Mr. HOLMES. You did mean to insinuate that she was mistreated?

Mr. JORGENSEN. No; but I think that she should have been treated in the proper hospital.

Mr. HOLMES. You know, too, that that mattress on the floor, and the furniture being removed, is very common in the treating of the insane?

Mr. JORGENSEN. That was for the old lady's protection.

Mr. HOLMES. That is a common thing in insane cases?

Mr. JORGENSEN. Surely.

Mr. MILLS. I would like to ask Mr. Holmes a few questions:

Is it a common thing for an insane Indian to have to be kept in a hot, upstairs room for months, in an old people's home, disrupting the thing, and causing the old people untold misery, with nothing on the floor but a mattress and a bed spring on the window, with people peering on her?

Mr. HOLMES. That is quite a speech, Mr. Mills. And I don't think it requires an answer at all. The answer is very obvious, of course.

What I was trying to bring out with this witness was that he did not mean to insinuate that the people there were mistreating her in any way.

Chairman LANGER. Mr. Maxwell, what about these 50 bootleggers operating on the reservation here?

Mr. MAXWELL. I imagine that I know quite a few of them, Senator.

Chairman LANGER. Whose job is it to stop them?

Mr. MAXWELL. I think it is primarily the job of the special officer of the Indian reservation.

Chairman LANGER. Who is he? Is he here?

Mr. MAXWELL. He is the man that testified yesterday, that has 3 reservations, 1 man to cover 3 reservations.

Chairman LANGER. Did anybody ever give him a list of these 50?

Mr. MAXWELL. That I do not know.

Chairman LANGER. Mr. Mills, is that part of your work? As assistant United States attorney?

Mr. MILLS. It is part of my work to get evidence available, and I believe that list was prepared in the last week, specifically for this committee, so that we can get something done in correcting those bootleggers.

I would also like to state that I have had an enforcement officer, charged with that responsibility, who stated in my office that the reason they didn't attempt to enforce it was because they would have so much work, and the jails would be too full. I told him there that that was a poor excuse for not enforcing the law, but I believe the attitude is that, if they enforce the liquor laws, they would fill the jails. Our office is open to suggestions as to how to correct that situation, because liquor is undoubtedly one of the basic problems on the reservation.

Chairman LANGER. I can answer that. Go in and enforce the law. If you fill the jails, there are lots of jails, at Devil's Lake and every other place to put them. You can put them in Fort Lincoln, if you like. You own Fort Lincoln. We kept 500 to 600 prisoners there during the war.

How many bootleggers are there on other reservations? Do you know?

Mr. JORGENSEN. No, sir; I don't.

Chairman LANGER. Have you any questions, Mr. Hart?

Mr. HART. No, sir.

Chairman LANGER. Mr. Kastler?

Mr. KASTLER. For the benefit of the people here, I am a representative of the Office of the Solicitor, Department of the Interior, in Washington. I was sent out here to listen to this testimony, and to enter, as best I could, into a cooperative attitude.

Of course, we will continue to report all the facts, and continue to work on it, and make the most concrete plans and beneficial suggestions as it is possible to make, so that this entire problem can be worked out.

We are trying to iron out one extremely technical difficulty, among all the others. I happen to be a lawyer myself.

The difficulty is the confusion of jurisdiction between the Federal Government, the Indian tribes, and the States. We are trying to work these problems out. They are not simple problems. There is no panacea.

We are trying to work them out in the spirit of cooperation, and with no recriminations.

Chairman LANGER. Mr. Hart?

Mr. HART. Mr. Jorgensen, after this elderly lady was kept in this upstairs room, and, as Mr. Holmes said, according to the nice speech of Mr. Mills, after that, do you know whether or not the Turtle Mountain Reservation convened an insanity board to make a decision on that case? Do you know if there was an insanity board out at Belcourt, regarding this elderly lady?

Mr. JORGENSEN. Well, this is hearsay.

I understood that they were going to, and that the superintendent and the two doctors, which constitutes an insanity board on the reservations, had made application at St. Elizabeths for her admittance. I have heard that.

Mr. HART. According to the information you have received, did they convene an insanity board, under the Federal rules and regulations at the agency, and make arrangements to send this lady to the Federal institution at St. Elizabeths, as soon as she was physically able? Is that right?

Mr. JORGENSEN. That is what I heard.

Mr. HART. Did this lady die in the Federal hospital at Belcourt?

Mr. JORGENSEN. That is what I understand.

Mr. HART. While she was in this privately operated home here, do you know who furnished the pills, the sedatives, for her, during her period of difficulty there?

Mr. JORGENSEN. The Government hospital.

Mr. HART. In other words, the Government hospital furnished the sedative medicine for this insane lady while she was being cared for in this private home, is that correct?

Mr. JORGENSEN. That is right.

Mr. HART. Mr. Jorgensen, have you had occasion to get into this matter of children working in the potato fields during the school hours, with any Federal officials, particularly Mr. Michaelson, of Grand Forks?

Mr. JORGENSEN. No. No, I haven't.

Mr. HART. Do you know whether or not there is a Federal law, as to children working during school hours?

Mr. JORGENSEN. I didn't mean to infer that these children were employed during school hours. They are employing them after school hours. My main concern was with the children being kept out of school.

Mr. HART. Do you know of any Indian people on this reservation at the present time that are insane and should be hospitalized? People that are not hospitalized?

Mr. JORGENSEN. Yes.

Mr. HART. How many?

Mr. JORGENSEN. Well, I think there is one that should be in Grafton.

This mother has complained many, many times, that she cannot handle him. She is afraid he is going to commit a crime, such as molesting some child.

Mr. HART. I am asking for the number of cases.

Mr. JORGENSEN. I think there are four.

Mr. HART. That need some mental hospitalization one way or another?

Mr. JORGENSEN. Yes.

Mr. HART. Do you know whether or not the agency officials have knowledge of this situation?

Mr. JORGENSEN. Yes; I am sure they do.

Mr. HART. Do you know if anything has been done to take care of these unfortunate individuals?

Mr. JORGENSEN. I don't know anything that has been done; no.

Mr. HART. If something had been done, would you know about it?

Mr. JORGENSEN. I believe I would.

Mr. KASTLER. Mr. Jorgensen, would you know if the Bureau of Indian Affairs had been negotiating with the State department of North Dakota?

Mr. JORGENSEN. I know they have been negotiating for some time.

Mr. HART. For how many years?

Mr. JORGENSEN. Since I have been here, and that is 1934.

Mr. KASTLER. In all that time has this situation been going on?

Mr. JORGENSEN. Not necessarily pertaining to this particular deal, but I know there have been negotiations going on in various fields, for a number of years.

I know that there was a negotiation going on in child welfare, and that was adopted.

Chairman LANGER. Gentlemen, it is 12:15. We will adjourn until 1:45.

(Whercupon, at 12:15 p. m., the committee recessed, to reconvene at 1:45 p. m. of the same day.)

AFTERNOON SESSION

The subcommittee reconvened at 1:30 p. m., upon the expiration of the recess.

Chairman LANGER. The meeting will come to order.

You may proceed.

Mr. CHUMBRIS. Mr. Jorgensen.

TESTIMONY OF GARMANN JORGENSEN—Resumed

Mr. CHUMBRIS. I believe before we adjourned for recess Mr. Hart was asking you some questions; is that correct?

Mr. HART. Mr. Jorgensen. in your use of this term "rape," there is many times confusion.

Now, these statistics that you presented when you used the term "rape," did not involve in many cases men or girls and, as far as the boys are concerned, you would not know the ages; is that correct?

Mr. JORGENSEN. That is correct.

Mr. HART. You also referred to a doctor making a statement, either to you or to one of your welfare workers, regarding his examinations.

Do you remember that statement as to a doctor at Belcourt?

Mr. JORGENSEN. Yes; not word for word exactly, but something to this effect, that many of these young girls whom he has medically examined he has found that many in the age group of 5 or 6 had been sexually molested.

Chairman LANGER. The ages of 5 and 6?

Mr. JORGENSEN. Yes, and up.

Chairman LANGER. Can you speak louder, please?

Mr. CHUMBRIS. What is the doctor's name?

Mr. JORGENSEN. That is Dr. Foster, I believe.

Mr. HART. Is he presently at the agency at Belcourt?

Mr. JORGENSEN. He is the medical officer in charge.

Mr. HART. At Belcourt?

Mr. JORGENSEN. Yes.

Chairman LANGER. Are there any other questions?

Mr. HART. Are there any other doctors at Belcourt that you got any information from regarding that same subject?

Mr. JORGENSEN. That is the only one I recall at the present time.

Mr. HART. Did you get that information yourself?

Mr. JORGENSEN. No, one of my workers did.

Mr. HART. Would you name that worker, please?

Mr. JORGENSEN. It is either Mrs. La Flambeau or Mrs. Tenorio.

Mr. HART. That information was given to you secondhand from Dr. Foster?

Mr. JORGENSEN. That is right.

Chairman LANGER. Mr. Traynor, I understand you have something to say.

STATEMENT OF MACK V. TRAYNOR, DEVILS LAKE, N. DAK.

Mr. TRAYNOR. I am interested in this hearing. I have enjoyed the testimony that has been given, and I am very much interested in it.

I do not know very much about juvenile delinquency or illegitimacy on our reservation, but perhaps we have some witnesses who know something.

We know a lot about our reservation and often wonder how they get along. In the winter of 1950 as I recall, from all over the State of North Dakota and beyond, the State contributions were made for those Indians to give them clothing and food of some kind, because we had a heavy snow that winter and we didn't know how they were going to live.

I recall that one man sent a whole carload of potatoes and we distributed those to the Indians.

I know they have a problem. They have taken the hospital away and the tendency seems to be to take the school away.

Those Indians need care. I don't think they are quite able to take care of themselves yet. They like to go to their own hospital and to their own schools. In the hospital there they felt that they were welcome. They don't feel that they are welcome in some of the other hospitals in this community down there.

Just what the solution is, I don't know, but I know the feeling of those Indians there now. They like their own institutions and don't like to go to other institutions.

I have some witnesses here whose names I will give you and I will appreciate if you will call them.

I happen to be tribal council attorney for the Indians down there, and we have a claim against the Government for a number of years. The Government took the Indian's land and have not paid for it. That is our contention.

They have given them the interest, but not the principal. That has been pending for a number of years.

Now, it is in the Indian Claims Commission, and they seem to drag their feet. We have an attorney in Washington. You know him, Senator Langer.

I want to say that we have a great deal of assistance from our senior Senator in Washington, and he has been cooperative with them in this cause, and they appreciate it.

If it hadn't been for the activities of Senator Langer, I don't know where we would have been with that claim in the Indian Claims Commission. They won't appoint any counsel, but by the urging of the Senator, at least we are getting someplace, and the Indians appreciate it.

Chairman LANGER. Thank you very much.

Mr. TRAYNOR. I don't know whether you want to call the witnesses now or later. I don't want to impose upon you and change your order of business, but I have some other business and will not be here when they are examined.

Chairman LANGER. Leave the names here.

Mr. TRAYNOR. Mrs. James Gias, Alfred Buquet, a member of the tribal council there; Louis Goodhouse, and Tom Oliver.

I will appreciate it if you call on them as witnesses.

Chairman LANGER. They will be called.

Mr. CHUMBRIS. Mr. Christianson.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CHRISTIANSON. I do.

**TESTIMONY OF MELVIN CHRISTIANSON, STATE'S ATTORNEY,
BENSON COUNTY, N. DAK.**

Mr. CHUMBRIS. Will you state your full name for the record?

Mr. CHRISTIANSON. Melvin Christianson.

Mr. CHUMBRIS. And your occupation?

Mr. CHRISTIANSON. I am an attorney and the State's attorney in Benson County.

Mr. CHUMBRIS. And you are here in your official capacity as State's attorney for Benson County?

Mr. CHRISTIANSON. Yes.

Mr. CHUMBRIS. How long have you been State's attorney?

Mr. CHRISTIANSON. Twenty months.

Mr. CHUMBRIS. And how long is your term of office, Mr. Christianson?

Mr. CHRISTIANSON. Two years.

Mr. CHUMBRIS. Now, Mr. Christianson, will you please state in your own words some of the legal problems that have been created on the question of law and order in your county, especially as it deals with the Indian population?

Mr. CHRISTIANSON. In Benson County we have occupied a very unique position in comparison with the other reservations in the State insofar as law enforcement is concerned.

In Benson County, at least since 1946 we have assumed criminal jurisdiction over the reservation for all the crimes except the 10 major crimes.

The 10 major crimes have been prosecuted by the Federal Government.

In that regard, I might say that we have had very good cooperation from the Federal Government insofar as the 10 major crimes are concerned. They give us very prompt service on that.

Of course, you realize undoubtedly now that things are in a grand turmoil there as a result of the recent Attorney General's opinion issued to Mr. John Hart as executive secretary of the North Dakota Indian Affairs Commission.

I have some statistics which I compiled from my records which I think would be of interest to the committee.

We have been prosecuting crimes from the reservation in our courts. We have increased jurisdiction in Benson County so that the vast majority of the crimes are processed right in the county without going to the district court.

I will not take very long, so I will read this off. These figures would cover a period from January 1, 1953, to October 1, 1954.

For unlawful cohabitation we have had 12 prosecutions on the reservation; no prosecutions off the reservation.

The crime of nonsupport, 16 prosecutions on the reservation; 1 off the reservation.

Assault and battery, 23 prosecutions on the reservation; 1 off the reservation.

Reckless driving, 6 on the reservation; 33 off.

Driving an automobile with no driver's license, 24 on the reservation, 6 off.

Intoxicated in a public place, 56 on the reservation; 22 off.

Drunken driving, 27 on the reservation; 12 off.

Miscellaneous driving offenses, 7 on the reservation, and 27 off.

Bastardy, 4 on the reservation, and 1 off.

I will add more detail on that later.

Disturbing the peace, none on the reservation, and 2 off.

Resisting an officer, 2 on the reservation, and none off.

Contributing to delinquency of minors, 12 on the reservation, and 9 off.

Arson, 2 on the reservation, and 1 off.

Moving personal effects with contagious disease, 2 on the reservation, and none off.

Burglary, 1 on the reservation, and 2 off.

Petit larceny, 5 on the reservation, and 3 off.

Grand larceny, 2 on the reservation, and 3 off.

Malicious mischief, 2 on the reservation, 1 off.

Miscellaneous check charges, none on the reservation, and 6 off.

Then miscellaneous offenses of various categories, 15 on the reservation, and 10 off.

That would give the total of 227 offenses on the reservation during this period, which have been prosecuted and 140 off the reservation, for a total of 367 prosecutions which percentage-wise means 62 percent of these crimes have arisen on the reservation, and 38 percent off the reservation.

In this regard I would say there are roughly 1,000 Indians on the reservation in Benson County and approximately 10,000 population in the county, total population. That is fairly exact.

So that you have 62 percent of the crimes arising out of the 10 percent of the population which are Indians.

In regard to the bastardy proceedings, we had only four enumerated. Those are the four which have been brought into court in some manner and some court proceedings taken to get an admission of parentage.

It does not cover those where there is a simple acknowledgment of paternity which we draw up in the office and he signs.

I think during this period of time there have been 2 bastardy cases which have been referred to me which have been turned down because of the impossibility of establishing parentage and I would say roughly about 4 which have been referred to me which nothing has been done on for the reason of the unavailability of the man, if he is the right man.

I recall there was one in New York. There was one in South Dakota, and one in Texas, I believe, and I never quite solved the problem of how you get those back to establish parentage.

I have some more statistics which I would go through rapidly for you. They would be in connection with juvenile offenses which have arisen on the reservation and which have been referred to the juvenile commissioner.

I got this information from the commissioner over the telephone. I wanted to have him come up, but he couldn't get away.

These are the categories in which he has classified the offenses and the number of cases and so on.

Neglect: There are 4 cases involving 11 children which were all Indian cases.

Ungovernable children: 12 cases involving 20 children. Nine of the 12 cases were Indians and 3 were White.

Traffic violations: 11 cases; 28 children involved. Four cases were Indian and seven cases White.

Theft of various sorts: 11 cases; 23 children involved. Eight of the cases were Indians and three were White.

Drinking: Four cases; 11 children involved. Two white, two Indians.

Reckless driving: 2 cases; 2 children involved, and both cases White.

One unmarried mother case handled. This was an Indian girl.

Dependency: There were 2 cases; 8 children involved. One White and one Indian.

School attendance: 2 cases involving 2 girls. Both Indians.

Those roughly are the bare statistics of the cases which have been handled by the juvenile commissioner during that period.

As far as juvenile delinquency is concerned, the problem isn't too enlightening. First you will have to tell me what a juvenile delinquent is. Of those cases I would say that very few of them were actually juvenile delinquents.

Insofar as delinquency is concerned on the reservation, I would say that most of the offenses would fall in the category of neglect.

I don't call that juvenile delinquency. I personally don't think the juvenile problem is too much out of the ordinary on the reservation. I think the children on the reservation get a pretty good start through their schooling set up, that most of the delinquency would arise, I think, among the minor girls through their association with adult Indians.

Other than neglect, I think that is the biggest difficulty among the children on the reservation.

Otherwise, I am not convinced that they are a great deal different than the children in the white community. That is just my personal observation.

MR. CHUMBRIS. Mr. Christianson, have you completed your statistical information?

MR. CHRISTIANSON. Yes.

MR. CHUMBRIS. I believe when we had our conference previous to these hearings, we talked for quite some time about the question of jurisdiction.

Is there anything more you would like to add on that?

MR. CHRISTIANSON. No. I wish somebody would tell me something about jurisdiction. I have been working on it for a couple of years and I am not convinced that I am very enlightened on it right now.

MR. CHUMBRIS. I believe that there is a case that you have in Benson County in which you are thinking about taking an appeal to the Supreme Court to test the question of jurisdiction.

MR. CHRISTIANSON. Very definitely. I had hoped to have the case underway last week as soon as the other side can be lined up, which I hope Mr. Hart will do and it will be before the Supreme Court.

MR. CHUMBRIS. Would you like to give us a brief summary of that case which might give us an idea of what the nature of the case is, the issue, and when a decision can be expected?

MR. CHRISTIANSON. The case is very similar to just a simple assault and battery case. The jurisdictional facts are set out in the form.

MR. CHUMBRIS. Was there a question there raised that you as prosecuting attorney for Benson County had no jurisdiction to handle it?

MR. CHRISTIANSON. That only came as the result of this Attorney General's opinion which I received a copy of a week ago last Saturday, in which opinion the Attorney General held that Benson County had no authority under the so-called Langer Act of 1946.

MR. CHUMBRIS. There is an actual question of jurisdiction raised in that case; is that correct? You are raising it now with the Supreme Court?

MR. CHRISTIANSON. In the case that we are contemplating taking up, that question we hope will be raised.

MR. CHUMBRIS. And if that question is raised will a determination then be brought forth that will clarify the jurisdictional question as to whether Benson County has jurisdiction in this type of case?

MR. CHRISTIANSON. Well, it virtually should at least insofar as any State is concerned. The Supreme Court cannot say yes or no.

As far as the State officials are concerned, that would be the last word.

MR. CHUMBRIS. Now, as to this opinion of the Attorney General to which you referred, issued on September 30, 1954, in the State of North Dakota; what legal effect does that have as to your authority and your duties and responsibilities to prosecute cases in Benson County dealing with the Indians?

MR. CHRISTIANSON. Well, the Attorney General in actuality, you might say, is the boss of all your Government positions in the State until any general determination is binding as such.

MR. CHUMBRIS. This is binding upon you as State's attorney for Benson County?

MR. CHRISTIANSON. Yes, sir.

MR. CHUMBRIS. There has been created in Benson County a sort of vacuum as to law and order; is that correct?

MR. CHRISTIANSON. Since a week ago last Saturday there is absolutely no law enforcement on the reservation whatsoever.

MR. CHUMBRIS. Have there been any crimes committed since the opinion was issued and if there have been, what has been done about them?

MR. CHRISTIANSON. I believe the sheriff's office had at least one call which we went out on and that was as far as he could go, was as to our Indian lands.

The next morning there were three Indian people in my office where ordinarily there would have been complaints issued which were not issued.

I think it is very fortunate that if we had to have this muddle, it came about at the time because so many of the Indian people are out in the potato fields and for the past month it has been pretty quiet insofar as law enforcement work is concerned.

MR. CHUMBRIS. Now, have you been in touch with the Indian Bureau regarding this question of law and order?

MR. CHRISTIANSON. Since the opinion, you mean?

MR. CHUMBRIS. Since the opinion.

MR. CHRISTIANSON. Yes; I have had a couple of talks with Mr. Lee, which were quite short, and the day after I received a copy of the opinion I contacted the superintendent in charge at Totten.

MR. CHUMBRIS. Do you know if the Indian office has taken any action toward solving the problem of law and order by appointing a tribal judge or setting up a court of Indian offenses?

MR. CHRISTIANSON. I don't know.

Chairman LANGER. Mr. Christianson, I want to compliment you very, very highly on the record you have made over there as a State's attorney.

MR. CHRISTIANSON. Thank you.

Chairman LANGER. Mr. Vutz, as you likely know, drew up the law which was passed in Congress which turned the law enforcement over to the State's attorney in Benson County.

The record you have made, in my opinion, is truly remarkable compared to the reports from the other reservations. You have done a very, very fine job. I am going to report this to the Attorney General of the United States, and it is my belief that if the law is passed in Congress which turns this power over to the other States' attorneys in the other reservations, the law enforcement is going to be very, very much better.

Here, for example, you have 27 cases of drunken driving where you prosecuted on the reservation, and 12 off the reservation.

Now, that is a remarkable record compared to the record on the other reservations. The whole report is outstanding. In my opinion it is a great argument in favor of the law that was advocated by Judge Vutz.

I hope to write you a personal letter when I get back telling you what a very fine job I think you have done, because I was State's attorney of a county myself one time, and I know the terrific pressure that the State's attorney is under.

Might I just ask a personal question? How old are you?

MR. CHRISTIANSON. Thirty-one.

Chairman LANGER. Well, you have certainly done a great job.

MR. CHRISTIANSON. I would like to add this, Senator: Except for one unfortunate situation which developed which was kicked around, the only comment insofar as reports from law enforcement was concerned from the reservation, that I had received anyway, was that they thought that at the present time it was probably as thorough law enforcement as they had in the past. Then there were these other reports that it was too thorough.

However, I don't think it is a simple answer to the question by just looking over the enforcement statistics.

What has been accomplished on the reservation I am not too sure. I think the records in previous years in Benson County will probably show that there is a continual increase in the number of crimes prosecuted from year to year.

So just from the fact of prosecution it wouldn't appear that that is any particular answer to any problems there. I think momentarily it gives the people some satisfaction and some protection there, no doubt, and it ought to.

In my personal opinion good or bad law enforcement on the reservation is not the cause of anything directly. I think the need for law

enforcement, the high incidence of crimes arises solely from your economic conditions on the reservation.

I don't think the Indian people are a bit different than white people. If you had 1,000 white people and placed them on the Fort Totten Reservation, where there are Indians now, there isn't any doubt in my mind that the incidence of crime among those white people very shortly would very much increase. Whether it would approach the amount of crime among the Indian people now, I wouldn't hazard a guess, but I would say that it would fairly well approach it.

I think that in line with the apparent policy of the Indian Bureau, that State jurisdiction on reservations is a desirable thing to have, but I think before worrying about law enforcement on the Turtle Mountain Reservation where the State does not have jurisdiction, that if you take care of the economic problem your law-enforcement problem will largely solve itself.

If the people have something to do and go out and do an honest day's work, I think your crime will be pretty much in line with the incidence among the white population.

I might be mistaken, but that is my personal opinion. All they have in Fort Totten is a bunch of hills and trees. If you turn five white families out there, I will bet they will starve to death in 3 years. They are supposed to make a living. There is unemployment there. A few farmers along the edge of the reservation will hire a couple of boys in the spring for a couple of weeks and then in the summer, and fall, for a couple of weeks.

Maybe they go to the potato fields for a month in the fall, and that is the extent of the employment available in the near vicinity of the reservation.

Chairman LANGER. Are there any questions?

Mr. MILLS. I would like the record to indicate that you have been chairman of North Dakota Bar Association Committee on Indian Affairs for 2 years. This is your second year; is it not?

Mr. CHRISTIANSON. That is correct.

Chairman LANGER. Mr. Hart?

Mr. HART. Has the opinion of the attorney general on this question be introduced in the record, or do you want it in the record?

Chairman LANGER. It has already been introduced.

Mr. CHUMBRIS. It has been introduced this morning.

Mr. HART. Now, Mr. Christianson, will you tell us how much law enforcement among the Indians in Benson County cost either Benson County or the State of North Dakota during the last year?

Mr. CHRISTIANSON. I can only give you a very approximate guess. I would say between \$6,000 and \$7,000. I think the Benson County sheriff will be here this afternoon and later he can probably give you a better set of figures on that.

Mr. HART. In other words, the cost is roughly \$6,000, or \$7,000, for law enforcement among about 10 percent of the population of your county?

Mr. CHRISTIANSON. That would be my guess.

Mr. HART. Do you know whether or not the Bureau of Indian Affairs has ever reimbursed Benson County at any time for law and order expense in that county?

Mr. CHRISTIANSON. Except as I remember in 1946 at the time the act was passed, I believe there was a Federal deputy maintained at

Fort Totten and I believe there were some arrangements made for a car for that particular deputy and I understand that those expenses were taken care of by the Federal Government.

However, I would say 4 years ago, and I stand to be corrected, that that was abolished, nearly 5 years ago, so that since then there has been absolutely no assistance from the Indian Bureau or the Federal Government except on the 10 major crimes. We have no complaint on those.

Mr. HART. The crimes that you have set out here, the numbers do not include the 10 major crimes?

Mr. CHRISTIANSON. That is correct. They would not add a great deal to it.

Mr. HART. Next, you gave the figures of 227 offenses tried in State court involving Indians on the reservation, and 140 non-Indians on the reservation. That 367 figure covers 10 percent of the population. If that were projected out that would indicate according to my figures, that the Indian crimes, which were actually handled by your office, would be 14 times greater among the Indian people than the non-Indian people of your county.

Would that be approximately correct?

Mr. CHRISTIANSON. I have never figured it up. I gave the figure as 62 percent arising out of 10 percent of the population.

Mr. HART. Have you been informed to the effect that in 1952 the Bureau of Indian Affairs acknowledged two concurrent responsibilities for law enforcement on that reservation?

Mr. CHRISTIANSON. Yes. The Indian Service, you say?

Mr. HART. Yes.

Mr. CHRISTIANSON. Well, at least the Federal Government, I understand it, has pretty well accepted that there was concurrent jurisdiction between the State and Federal Government or State and Indian Service.

Mr. HART. Have you been informed as to whether or not the regulation of the Bureau of Indian Affairs, specifically section 161.3 of title 25 of the Code of Federal Regulations, authorizes the superintendent of an Indian reservation to take a judge from one jurisdiction, transfer that judge to another jurisdiction and set up a provincial court where no ordinary court of Indian offenses exists on that reservation?

Mr. CHRISTIANSON. Apparently. The only information I have received on that was the letter I received from you which I hurriedly read, and have not digested.

Mr. HART. You do not know of your own knowledge about these regulations, but you have been informed as to that?

Mr. CHRISTIANSON. That is correct, yes.

Mr. HART. Assuming that that is correct, there is the possibility of law enforcement machinery existing on the reservation under the Bureau of Indian Affairs; is that correct?

Mr. CHRISTIANSON. I don't see where there should be any question on that. If it is acknowledged that this has been concurrent jurisdiction, even with the State operating on the reservation, there doesn't seem to be any doubt but what they should have it.

As far as their interpretation of what the law and regulations provide, I wouldn't speak for them.

Mr. HART. That is all I have, Mr. Chairman.

Mr. KASTLER. I would like to state for the record, as representative of the Department of the Interior, that the Department heartily concurs in and joins Senator Langer's congratulations of Mr. Christianson for your vigorous prosecution of these Indian offenses under the 1946 Civilian Criminal Jurisdiction Act, and I want to state as a member of the Solicitor's office that we are doing everything we can to try to iron out this difficulty, to present the problem squarely in your lap, that you have the jurisdiction.

Chairman LANGER. Mr. Holmes, do you have any questions?

Mr. HOLMES. I couldn't add anything to that.

Chairman LANGER. Do you have, Mr. Landbloom?

Mr. LANDBLOOM. No, sir.

Chairman LANGER. The tax commissioner is here.

Do you have any questions to ask Mr. Christianson about fishing licenses, hunting licenses, or income taxes?

Mr. JAKES. No. I would be interested in getting the number of acres in each of these reservations.

Mr. CHRISTIANSON. I think there are people here who can answer that, but I can't.

Mr. JAKES. Other than that, I have no questions.

Mr. HART. Mr. Chairman, may I ask 1 or 2 more questions.

Chairman LANGER. Ask all you wish.

Mr. HART. In the report that you made you indicated that there had been 1 crime of burglary on the reservation, 2 crimes of grand larceny, and 2 crimes of arson, on the reservation, that you took care of; is that correct?

Mr. CHRISTIANSON. That is correct.

Mr. HART. In these cases that you mentioned, were Indians defendants?

Mr. CHRISTIANSON. Yes, sir.

Mr. HART. And these crimes happened within the Indian reservation?

Mr. CHRISTIANSON. Yes, sir.

Mr. HART. Are you familiar with the 10 major crimes statutes?

Mr. CHRISTIANSON. Yes, sir.

Mr. HART. Were these cases called to the attention of the Federal Bureau of Investigation?

Mr. CHRISTIANSON. No, sir.

Mr. HART. You assumed that the State had jurisdiction under the 1946 act regardless of the 10 major crimes statute?

Mr. CHRISTIANSON. I think there is some question there. I say as to those two particular crimes on grand larceny, I said they were on the reservation. I will have to change that and tell you I don't know.

It was for the matter of facilitating processing of it that we handled it there.

Incidentally, one was off the reservation, I know.

Mr. HART. Thank you.

Mr. CHUMBRIS. Mr. Christianson, I understand that you also have a report to make on behalf of the North Dakota Bar Association Committee on Indian Affairs, of which you are chairman; is that correct?

Mr. CHRISTIANSON. Well, yes, if it would add anything to the committee's record.

There is a committee set up within the North Dakota judicial council or a subcommittee on Indian affairs who have submitted two reports to the Supreme Court.

Last year was the first year of existence of the Indian committee of the North Dakota Bar Association, and the report which we submitted to the Congress incorporated the two reports of the subcommittee.

Incidentally, on this bar association committee are Frank Jestrab, Judge Bert Salisbury, Carlyle Onsrud, John Hart, J. Howard Stormon, Judge Albert Lundberg, Harry Lashkowitz, Clyde Duffy, Hilton Higgins, and myself.

So I would like to introduce these reports for what they may be worth.

Chairman LANGER. They will be admitted and made a part of the record, Mr. Christianson.

(The documents referred to were marked "Exhibit No. 23," and read as follows:)

REPORT OF INDIAN AFFAIRS COMMITTEE

Mr. President and members of the North Dakota Bar Association, your committee of Indian affairs submits the following report:

Several informal meetings of various members of the committee have been held. A meeting was held by a majority of the committee on July 24, 1954, at Devils Lake, and one was held in Grand Forks on August 5, 1954. The committee has coordinated its activities with those of a similar subcommittee composed of Hon. Albert Lundberg, chairman, Hon. George Thom, Jr., and Frank Jestrab, set up within the judicial council. The subcommittee submitted reports to the judicial council on December 5, 1952, and May 18, 1954, which reports are by reference incorporated as a part of this committee's report.

There being so many ramifications of the problems of the Indians in the State of North Dakota, it was the consensus of opinion of the committee that for the present at least, we should restrict our attention largely to the question of jurisdiction over the Indians. The question is one not easily answered and one on which the committee cannot even approach unanimous agreement.

There are four reservations in North Dakota, to wit: Standing Rock, Devils Lake Sioux (Fort Totten), Turtle Mountain, and Fort Berthold. The Indian population totals about 15,000, with the majority of them living upon some 1 million acres of largely unproductive land. On three of the reservations in the State, viz, Standing Rock, Turtle Mountain, and Fort Berthold, jurisdiction is assumed in varying degrees by the Federal courts and Indian tribal courts. On the Devils Lake Sioux Indian Reservation, jurisdiction is exercised by the Federal courts over the major crimes, and the State courts over all other crimes. The committee is agreed that on the three reservations first mentioned above, the State courts do not have jurisdiction over crimes committed therein where the parties involved Indians.

In 1946 by act of Congress, concurrent criminal jurisdiction over the Devils Lake Sioux Indian Reservation was conferred upon our State courts. The State of North Dakota has never affirmatively consented to accept jurisdiction, although Benson County has been exercising jurisdiction over this reservation. By virtue of the provision of our State's enabling act and its constitution recognizing the exclusive jurisdiction of Federal courts over Indian reservations, there is considerable doubt as to whether or not our State courts have jurisdiction on this reservation. It was the opinion of the committee that this question should be judicially determined, not merely to clarify the situation on this reservation, but also to set a pattern as to the requisites necessary in case State jurisdiction should be assumed over the other reservations in the State. A case involving a crime committed by an Indian on the Devils Lake Sioux Indian Reservation has accordingly been commenced and the committee hopes to have the case presented to our Supreme Court in the near future. The question of State jurisdiction over the Turtle Mountain Reservation has been presented to the district court of Rolette County in a case involving the crime of nonsupport

allegedly committed by an Indian residing on the reservation. The committee has also been informed that a case arising in McLean County involving the question of jurisdiction over Indians is already before the Supreme Court.

It is the recommendation of the committee, however, that the next legislature take steps toward amending the State constitution to provide that jurisdictions over the reservation may be assumed by the consent of the legislature at such time and under such conditions as it may deem fit.

Confusion in the overlapping of authority on Federal and local levels is present not only in the matter of criminal jurisdiction, but also in the administration of agricultural, welfare, medical, public health, and educational services to Indians. Historically, the providing of these services has been the responsibility of the Federal Government, and it is the thought of the committee that until such time as the Indians are freed from Federal regulation and control and the reservations abolished, that it is primarily the responsibility of the Federal Government to finance these services. We would recommend that the administration of these services be transferred from the Federal Government to the State and local levels, with Federal financial assistance until such time as the Indians themselves have gained economic independence.

Generally speaking, economic conditions on the reservations are very poor, with little opportunity for employment or means of getting a livelihood, thereby resulting in a general lowering of the social and moral conditions. Although our profession cannot accept responsibility for these conditions, the public undoubtedly feels that it is an obligation of our profession to have settled the questions concerning the confused status of jurisdiction and do everything in our power to better existing conditions on the reservations. We feel that the subject merits the interest and consideration of each and every one of our members.

We recommend that the Indian affairs committee of the bar association be continued for another year.

Respectfully submitted,

Frank Jestrab, Judge Bert Salisbury, Carlyle Onsrud, John Hart,
J. Howard Stormon, Judge Albert Lundberg, Harry Lashkowitz,
Clyde Duffy, Hilton Higgins, Melvin Christianson, chairman.

COMMITTEE REPORT ON INDIAN JURISDICTION

MR. CHIEF JUSTICE JAMES MORRIS,
Chairman, North Dakota Judicial Council,
Bismarck, N. Dak.:

On the occasion of the judicial council meeting on May 10, 1954, your committee for study of jurisdiction of State courts over Indians on Indian reservations in North Dakota, made an oral report which was adopted with the understanding that the same would afterwards be reduced to writing and filed. This written report is accordingly made in conformity with such arrangements.

Reference is made to the contents of the previous report made herein, dated October 6, 1953, which sets forth the conclusions of the committee at that time. Since that report, the writer had the benefit of a conference with Mr. Clyde Duffy of Devils Lake who raised certain questions which the writer undertook to answer in communication to Mr. Duffy under date of October 20, 1953. As the points involved are in the nature of a continuing study of the subject under consideration, we submit herewith quotations from the letter to Mr. Duffy as bearing on the situation.

"Now I do not doubt or question but that there was a time in North Dakota when State courts exercised criminal jurisdiction over Indians on Indian reservations (at least over the Indians who had received "allotments") and that such jurisdiction was given recognition by the United States court in North Dakota. You referred me to holdings by Judge Amidon in the case of *United States v. Kira* (1903, 126 U. S. 879) and in a later case (1920) involving the Indian named Wicibdega. The doctrines advanced in the 1897 case of *State v. Denoyer* (6 N. D. 586, 72 N. W. 1014), were given recognition by the United States Supreme Court in the 1906 case of *Matter v. Heff* (197 U. S. 488), which held that allottee Indians were subject to the Kansas laws. Also I am aware that the Denoyer case was followed as to many of its theories by *State v. Mountrail County* (1914, 28 N. D. 389, 149 N. W. 121), and in *Swift v. Leach* (1920, 45 N. D. 437, 178 N. W. 437); and *Duke v. Melni* (45 N. D. 349, 177 N. W.

676). I am also aware that some of the views expressed in the Denoyer case are agreed to in the 1940 South Dakota case of *Anderson v. Brule County* (292 N. W. 429).

"I also think that there has been a reassumption of reassertion of Federal authority over Indians on reservations, both those who have received allotment and others, which has completely changed this picture and that the present state of the law is reflected in such holdings as in the 1951 Montana case of *State v. Pepion* (230 Pac. 2d 961) and a later Montana case of *State v. District Court* (239 Pac. 2d 272). There is also the 1945 Minnesota case of *State ex rel Default v. Utch* (19 N. W. 2d 706; 161 A. L. R. 1316), which refers to an earlier Minnesota case—*State v. Jackson* (1944, 16 N. W. 2d, 957), which goes into the question quite fully and also refers to the Oregon case of *Roy v. Hopkins* (212 U. S. 542). I think that the language found on page 797 of 42 C. J. S. in notes 72-74 indicates recognition of this changing viewpoint and in 42 C. J. S. (p. 777, note 90), the plenary power of Congress to treat Indians as wards even after the grant of citizenship to them is recognized and discussed in *Creek County v. Saber* (1943, 318 U. S. 705). Something of the same reasoning is found in 314 U. S. 951 which reversed the same case of *Federal Land Bank v. Bismarck Lbr. Co.* (70 N. D. 607, 297 N. W. 42).

"Not much attention is paid to these earlier doctrines on Indian jurisdiction in such places (27 Am. Jur., Indians, secs. 50-53 and 42 C. J. S., p. 794), and I suppose that is natural as these works are concerned with stating what the prevailing law is at the time of publication rather than noting changes. If you find time to look at some of those references I would appreciate knowing whether your viewpoint is changed as a result of such examination. If you are interested in more of the history of the change which appears to have grown out of the Dakota Territory case of *Ex parte Crow Dog* (1883, 109 U. S. 556), which held that not even the United States laws operated on an Indian reservation. As a result of this holding Congress started in 1885 with what was called the 7 Crimes Act which in 1909 seems to have changed to 10 Major Crimes Act, and which again expanded in 1932 (U. S. C. A. sec. 548). Some of the history of this movement is in *U. S. v. Kagama* (118 U. S. 375), which held the Crimes Act constitutional and noted that it was a further step in the growing disposition of the Federal Government to exercise jurisdiction over Indians within the State."

We are indebted to Mr. John B. Hart of Rolla, N. D., the executive director of the North Dakota Indian Affairs Commission, for a mimeographed compilation of some of the important State and Federal decisions bearing upon this question of Indian jurisdiction. The trend appears to be strongly toward a recognition that State courts are without jurisdiction. We would particularly call attention to the 1946 United States Supreme Court decision in the case of *Williams v. U. S.* (327 U. S. 711, 69 Sup. Ct. 778), which contains an excellent summary of the development of law in this field and the excellent foot notes providing the necessary historical and legal background. We would also call attention to the case of *U. S. v. Jacobs*, decided on June 25, 1953, by the United States District Court of the Eastern District of Wisconsin found in 113 Federal Supplement 203. Beginning on page 205 the decision of the court has a long review of the historical and legislative backgrounds of this field of law.

We would also call attention to certain provisions of the Federal Statutes which seem to indicate complete Federal control in this field, to wit:

18 United States Court of Appeals, section 1151—"Indian country" defined:

"(a) All land within the limits of any Indian reservation under the jurisdiction of United States Government notwithstanding the issuance of any patent * * *

"(b) All dependent Indian communities * * * in or out of the State * * *

"(c) All Indian allotments, the Indian title to which have not been extinguished—including right of way—" (June 25, 1948, ch. 645, 62 Stats. 757, amended May 24, 1949, ch. 139, sec. 25, 63 Stats. 94).

18 United States Court of Appeals, section 1152: "Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country" (does not extend to Indians punished by tribal court) (June 25, 1948, ch. 645, 62 Stats. 757).

Title 18, United States Code Annotated, section 468, is the so-called Assimilated Crimes Act which adopts the penal laws of the States and the punishment provided by State laws which were in force on February 1, 1940. It would accord-

ingly appear that there are few, if any, criminal offenses that now are not cognizable by the Federal courts. In this connection we think it proper to call attention to the provisions of section 1 of section 12-0602, 1943 code, which sets forth the persons punishable under the laws of North Dakota as being the following:

"All persons who commit, in the whole or in part, any crime within this State *except when such crime is cognizable by law exclusively in the court of the United States.*" [Italics ours.]

All of this appears to confirm the view heretofore expressed that the State courts are without jurisdiction over crimes committed on Indian reservations. The extent of civil jurisdiction or the jurisdiction in quasi-civil proceedings as the establishment of paternity and the support of families is a matter still under study and no opinion is expressed, although the jurisdiction would seem to be doubtful at the best. The same is, of course, true to even greater extent of juvenile offenses.

At the conclusion of our previous report, dated October 6, 1953, your committee made certain recommendations. The first of these—filling the vacancy on the committee occasioned by the death of Judge Broderick, has been taken care of by the appointment of Mr. Frank F. Jestrab of Williston. The Indian recommendation regarding the clearing of the way for ultimate exemption of jurisdiction by the State we still think is desirable and we anticipate that much assistance is to be derived from a parallel committee appointed by the North Dakota Bar Association to study this same question. Mr. Melvina Christianson of Minnewaukan, N. Dak., is chairman of this bar association committee and we propose to work with this new committee in seeking further clarification of the problems here involved.

In that connection it may be well to consider the provisions of Public Law No. 28, 83d Congress, chapter 505, 1st session, H. R. 1063, approved August 15, 1953, sections 6 and 7 of which read as follows:

"SEC. 6. Notwithstanding the provisions of any Enabling Act for the admission of a State, the consent of the United States is hereby given to the people of any State to amend, where necessary, their State constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil and criminal jurisdiction in accordance with the provisions of this Act: *Provided*, That the provisions of this Act shall not become effective with respect to such assumption of jurisdiction by any such State until the people thereof have appropriately amended their State constitutions or statutes as the case may be.

"SEC. 7. The consent of the United States is hereby given to any other State not having jurisdiction with respect to criminal offenses or civil causes of action, or with respect to both, as provided for in this Act, to assume jurisdiction at such time and in such manner as the people of the State shall by affirmative legislative action, obligate and bind the State to assume thereof."

It is, of course, of extreme importance that the amendment of subdivision "second" of section 203 should be in such form that the impediments to the assumption of jurisdiction by the State would be removed, that such assumption would not be made except with express legislative approval after suitable agreements governing a period of transition. In that connection we believe that the language of the above-quoted section 7 of Public Law 280 is reassuring but the whole matter should be given further careful study.

On this matter of a transition period, we think that certain quotations approved by the North Dakota Indian Affairs Commission in their report, may be of value:

"It is the thought of the commission that jurisdiction over crimes committed by Indians on Indian reservations should be transferred by the Federal Government to the State of North Dakota with adequate reimbursement provisions being made until such time as these Indian lands are taxed. The Federal Government should reimburse the counties 100 percent for any expense resulting from law enforcement in these areas. This procedure would result in the Indian people's becoming more closely associated with the non-Indian people of the community in which they live. It would go a long way toward the ultimate goal of assimilating the Indian people into the citizenry of the State on an equal basis with other citizens."

Quoting further from the report of the Committee on Indian Affairs to the Commission on Organization of the Executive Branch of the Government, October 1948, page 139, we continue:

"LAW AND ORDER"

"The system of law and order on Indian reservations is unsatisfactory today. The following steps are needed and should be taken as part of the area program covering each reservation.

"1. By act of Congress the States should be given concurrent criminal jurisdiction on Indian reservations.

"2. As part of each area program administrative responsibility for maintaining law and order should be transferred to State and county authorities under an agreed plan as rapidly as satisfactory plans can be made. In many areas it will be appropriate to employ Indian personnel as law officers and magistrates in extending State responsibility to the reservations.

"3. Federal aid should be given to the authorities assuming responsibility until the trust status of Indian land is ended. The amount of aid should be adjusted to the needs and costs in each area."

"Sec. 4. The Secretary of the Interior is authorized to enter into agreement with the several States, the counties thereof, in which Indian reservations are located, to pay to such States or counties such amounts as he may deem to be proper to defray the expenses of the enforcement of the criminal laws of such States and such reservations."

It may also be of interest to note that there is apparently a case on the way to the Supreme Court of North Dakota involving this question of jurisdiction over crimes committed on Indian reservations, an appeal being taken from the district court of McLean County, and we attach to this report a mimeographed copy of an opinion of Attorney General Arnold H. Olsen of Montana given in 1953 on the subject of Indian jurisdiction in connection with a murder committed in Valley County, Mont., on April 17, 1953.

Your committee will conclude this report by making the following recommendations:

1. That the committee continue its studies, particularly in conjunction with the parallel committee appointed by the bar association;

2. That the possibility of conference of the two committees with the United States district attorney for North Dakota and if possible, the United States district judge, be explored with the view of clarifying the jurisdictional situation and also with the view of increasing the activity of Federal agencies in the field of law enforcement on Indian reservations;

3. That we urge that there be an increase of money made available to the Federal agencies so that they can better perform the duties which we are satisfied have been imposed upon them by Federal law in this field;

4. That we repeat the recommendations concluding our previous report of October 6, 1953, insofar as they are applicable, and we desire to express our appreciation to Mr. John B. Hart who has been of such great help to us in this matter and to whom we are indebted for figures showing that North Dakota expended a total of \$222,239 in 1952 for the relief in one form or another to Indians—not including law-enforcement costs. It is therefore evident that the State of North Dakota has a definite financial interest in seeing that conditions are improved and that an orderly and effective handling of these matters take the place of the present confusion and uncertainty.

ALBERT LUNDBERG, *Chairman*,
GEORGE THOM, Jr.
FRANK F. JESTRAE.

MAY 18, 1954.

JURISDICTION OF STATE COURTS ON INDIAN RESERVATIONS

This problem was made the subject of some discussion at the meeting of the judicial council on November 25, 1952, and a committee consisting of Judges Thom and Broderick, together with the undersigned, was appointed to look into the matter further.

At the council meeting I mentioned having received considerable material from Mr. John B. Hart, of Rolla, N. Dak., and particularly the 1951 Montana case of *State v. Pepion et al.* (230 Pac. 2d, 961). This case is referred to in the pocket part of 42 C. J. S., "Indians," for page 796, note 60. Beginning on page 794 (sec. 79) and continuing for several pages is a discussion of the matter of jurisdiction that seems to indicate that in the absence of Federal legislation conferring jurisdiction, State courts are without such jurisdiction. If we turn to 27 Amer-

ican Jurisprudence "Indians," sections 50-53, we find substantially the same authorities. There are indications that, in earlier times, State courts claimed and exercised jurisdiction, particularly in criminal matters (21 L. R. S., 169 et seq.).

Reference was made at the council meeting to a letter written May 24, 1954, by Assistant United States Attorney Harry Lashkowitz to the late Judge Jansonius expressing the view that our juvenile courts had jurisdiction over children on the reservations. The opinion seems to be based on the fact that section 27-1608 says the court shall have jurisdiction over "any child * * * within the county" * * * etc., and that section 27-1610 speaks of "all children," etc. Also, it is intimated that juvenile delinquency cases of Indian children must, of course, be referred to State authority because Congress had not passed any juvenile delinquency laws. I must say that the reasons advanced do not impress me greatly.

Quite different conclusions are reached by Attorney General Vernon W. Thompson, of Wisconsin, in an opinion to the department of public welfare of the State under date of June 14, 1951, a copy of which has been furnished me by Mr. Hart. The opinion refers to *United States v. Rogers* ((1845) 4 Howard 567; Cohen, Handbook of Federal Indian Law, 2-5). The case of *Ex parte Fero* (99 Fed. 2d 28, 31-32) is quoted from, and the Wisconsin case of *State v. Rufus* (237 N. W. 67) is referred to. The conclusion is reached that the juvenile court of the State is without jurisdiction for acts of delinquency committed on the reservation, but does have jurisdiction for acts committed off the reservation. Such conclusions seem to be in keeping with the reasoning expressed in authorities cited in the second paragraph above.

It appears to me that legislative, judicial, and administrative action is going to be required to clarify the situation. As things stand at present, it seems that Federal bureaus are bent on "pushing off" on the States as much responsibility as possible. Administrative agencies in the States naturally push the other way. At least, that is the impression I receive after an admittedly brief and superficial survey of the problem. The weight of authority certainly seems to be against State courts having jurisdiction over crimes committed by Indians on reservation. Indeed, until Congress was roused by the "*Crow Dog*" case (109 U. S. 556) and established Federal jurisdiction over "10 major crimes" (murder, manslaughter, rape, assault with intent to kill, arson, burglary, larceny, robbery, incest, and assault with a dangerous weapon), the tribal jurisdiction seems to have been exclusive. Whether concurrent power has been granted to certain States and reservations (Fort Totten among them) I have not been able to determine. As for crimes other than the major—and our code must have at least a couple of dozen—jurisdiction over them would seem to be in the tribe. And see 24 Minnesota Law Review 145-200. Source of Federal power seems to be Constitution article 1, section 8, "regulate commerce * * * with Indian tribes" * * * and war and treatymaking power, etc.

This is not a subject to be exhausted by the limited attention I have been able to give it, and the indicated conclusions are very tentative. But, while our discussion was reasonably fresh I wanted to give to members of the committee and others interested a summary of what it looks like to me. I am certainly receptive to further enlightenment.

GRAFTON, N. DAK., December 5, 1952.

ALBERT LUNDBERG.

MR. CHRISTIANSON. In conclusion, I would like to say that whatever the Senator can do to straighten out this money situation at Fort Totten at the present time, I think the thousand human beings out there deserve it.

One other thing is every once in a while we hear reports as to what to do with the Fort Totten Indian Reservation. I have heard rumors that the Bureau has considered somewhat in the past the matter of just plainly abolishing it. Maybe it should be abolished. I won't say yes or no to that.

I hope the committee will keep one eye open for any movement on foot to accomplish that purpose without making provision for Federal reimbursement, during some sort of a testing period.

MR. CHUMBRIS. Mr. Christianson, I would like to ask you one question.

In view of the good record that has been established under your administration at Benson County in the prosecution of crime, what would your opinion be if Congress would give to the State of North Dakota, or to your county specifically, at least concurrent jurisdiction to all crimes, including the 10 major crimes? How do you think law and order would be in your county if that were done?

Mr. CHRISTIANSON. I don't think it would change the conditions in the past because we have received at least as good service from the Federal Government on the 10 major crimes as we could give ourselves.

We have had very good service from them.

Chairman LANGER. Do you think that if you were given concurrent jurisdiction with the Federal Government on the 10 major crimes that your county would continue to give the same good service that you have given under this particular report?

Mr. CHRISTIANSON. With the Attorney General's opinion?

Mr. CHUMBRIS. Let's assume that that was overcome, that you had the authority. In other words, either by the Supreme Court decision or by constitutional amendment.

Mr. CHRISTIANSON. I don't think there would be any difficulty at all except during this matter of reimbursement, if there should be such, and if so, how much.

Chairman LANGER. Thank you very much indeed.

Mr. CHRISTIANSON. I do want to make one more remark. I don't hear so much about liquor on the reservation. The Federal Government relaxed its position on that and I think the State of North Dakota should, too. Nobody is deprived of liquor on the reservation and I don't blame the people for looking at it because a bill is being drawn up to be submitted to the legislature to have that part of the statute changed to make sale to Indians of North Dakota legal.

It would get rid of a lot of headaches and you are not going to find any more drinking among the Indians than you find today.

Mr. CHUMBRIS. One further question: Have you had any problem with peyote on the reservation?

Mr. CHRISTIANSON. I didn't know what the word meant until I was in office 6 months and we had an Indian man for an insanity hearing because he had been threatening some people out there. That was the first association I had with it, and did some inquiry on it, and I found out that there is such a thing in the Fort Totten Indian Reservation.

I have not gone into it too thoroughly. I understand that for the most part those involved consider it as religious matter even though the State of North Dakota calls it dope or narcotics.

Mr. CHUMBRIS. Do you know whether any enforcement against it has been put into effect, either by the State or by the Federal Government?

Mr. CHRISTIANSON. There has been none here in the past 2 years, and it would be sometime before that if there was ever anything done about it.

Mr. CHUMBRIS. And you say that the laws of the State of North Dakota consider it as a narcotic?

Mr. CHRISTIANSON. That is correct; yes.

Mr. CHUMBRIS. Do you know whether the State of North Dakota has taken any action to try to stamp it out?

Mr. CHRISTIANSON. No; I know of none whatsoever.

Mr. CHUMBRIS. Do you know whether the use of it is prevalent?

Mr. CHRISTIANSON. To the extent I couldn't say. I do know that it is being used. That arose for the first time to my knowledge under that insanity hearing which we held.

Chairman LANGER. Thank you again.

Call your next witness.

Mr. CHUMBRIS. Mrs. Garcia.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. GARCIA. I do.

TESTIMONY OF MRS. ESTELLA RUTH GARCIA

Mr. CHUMBRIS. Will you state your full name, please?

Mrs. GARCIA. Estella Ruth Garcia.

Mr. CHUMBRIS. Where do you live?

Mrs. GARCIA. Presently I am at the Turtle Mountain. I am from the Turtle Mountain Reservation.

Mr. CHUMBRIS. Do you have any official capacity with any problems dealing with the Indian population?

Mrs. GARCIA. I have just been requested by the council from the Sioux Indian Reservation to appear and I appear in that capacity.

Chairman LANGER. Will you speak a little louder, if you please?

What subjects were you asked to discuss?

Mrs. GARCIA. Education, and I do have a problem that affects me personally.

However, I realize and I expect no assistance, but I am hoping that through discussing my experiences as a former employee in the Government service, in the Federal service, that we might, here, throw some enlightenment on the situation they face at Fort Totten.

Mr. CHUMBRIS. Will you proceed in your own words to take up the problem that you were asked to take up on behalf of the delegation from Fort Totten?

Mrs. GARCIA. You have heard here today the problem of welfare and law and order stressed, and we realize how, of course, it is important.

However, as a parent and a teacher, I feel that we should consider the need of the Indian children.

In my work as a teacher and during the past 3 years I held a position of teacher-adviser, which is similar to a housemother in the dormitory at Fort Totten. In working there I think I fell into some of the problems that our people face today and that our children face in trying to further their education.

I would like to tell you first that my husband is a disabled veteran. I am a veteran and my husband is at present in the last semester in law school in Grand Forks. He would have graduated, but due to illness he has been detained for another half year.

During this past year my position at Fort Totten was abolished. Although I am a qualified teacher, it seemed that it was beyond them to place me in a teaching position there at Fort Totten.

I believe that as I go on and discuss some of these problems you can draw a conclusion from them. I am not quite sure as to why I am

not wanted at Fort Totten as a teacher. I have only tried to help my people.

In doing so, I find that I am one of those that are unwanted. One of the experiences that I had at Fort Totten was in the discussion of improving our curriculum. I don't know if many are aware that in the system many times in the Indian service they are required to take so many hours of home economics. And, again, for example, at Fort Totten, beginning from the seventh grade, they are required to take 1 hour a day of agriculture or home economics.

When they enter into the ninth grade, then they are required to take 2 hours every day of home economics or agriculture. They have no other subjects which they may choose from.

When we discussed this at the teachers' meeting as we were asked to discuss, another Indian teacher—and with her permission I may say Mrs. Gouge, who was a wonderful and qualified teacher—and I discussed improving that by adding other subjects like commercial, and since they say they are handicapped by language, we might add a language to let them have a choice.

We were answered in this way, and reprimanded by the principal: "The children are all going to be farmers so why should we bother?"

And I said: "Where are they going to be farmers? On whose land?"

"Well, they are going to be farm laborers anyway."

I would like to know what incentive we have to continue under those conditions. I would like to say that the teachers there a year ago were in revolt almost over the spending of the student financial money. We were to sponsor a school carnival which is sponsored by the teachers. It is not a means of experience for the children. It is what the teachers must come in and handle the situation and the teachers refused.

The principal was absent at this meeting, but many of the teachers were there. The person in charge handled the meeting and there was an outright refusal of the teachers to participate in earning the funds because some of the funds for the student activity were spent on farm labor during the summer where there were young children hired to go and pick potatoes and also there was an instance of one man being hired to go out and he received a check of over \$80 for that.

At the same time in our dormitories we didn't have facilities for these children to play. We didn't have even a phonograph for them to listen to.

The teacher that revolted, that started the upheaval, I would say, had gone into town and spent \$5 of her own money on needed, necessary items. She wanted a wash basin, for example, because she wanted to train them to wash their hands before going to their meals and then she was refused her reimbursement of this \$5.

That was her instance of disapproval. One of the things that I had asked was we had there at that time an Indian employee, a janitor, I guess, a handyman, and he had lost his father and the student fund was used to buy flowers for this father. That was an Indian person, but it seemed that whenever anyone else had a death in the family a collection was taken up and I remember that that was the reason that I objected to the money being spent in that respect.

However, the carnival, I guess, had been carried through and they made their money.

The next thing that I experienced was I had been called in to a meeting. The diningroom matron was present, Mrs. Brunnell by name, and the principal, Mr. Feld, and some of my students under my charge.

The meeting became a riot in which Mrs. Brunnell shouted personal insults at the students. She disgraced the parents as well as the students. She disgraced their physical structure.

I had one girl that had an emotional handicap at that time. She was a heavy built girl. The girls called her "John" and that probably will tell you about her problem. She was torn apart in this meeting until I finally asked if I could take the girl out and that ended that meeting, in spite of the principal knowing this situation and as he excused it with me later, he said that he had admonished the matron and that she was not to speak in those personal terms to the girls.

She insulted them about their parents buying clothes from the swap shop, from the secondhand store, and the children present at that meeting know the situation.

Still, in the springtime with this same person, this same individual, I had two girls that were handled physically and it is in our manual in the Indian Service that that is violating the manual since it is a rule that they are not to be handled physically.

I am not saying that the children should not be disciplined. I do not believe that. That is true, but in this case it happened that the personal lives were brought in of the children and the mother in this case was insulted and the children were shaken and mistreated.

When I reported that instance nothing was done.

I have letters that will tell about that incident. I have witnessed unfair placement of students in boarding schools. I can give names of students.

I know of a family in Grand Forks. The home is broken and there is a history wherever one of the children have been placed in training school in Mandan.

Sometimes these children were refused admittance to the boarding school. On the other hand, we have children of the same circumstances and they are admitted.

Not only that, but we have children there that have white fathers that are there and where Indian children are turned away.

I have two names of those students. I would like to say that last year we faced the problem in our dormitory where we had temperatures ranging from 32 degrees to 40 degrees during the cold season, and there was a complete refusal to take any temporary measures in the girls' building because they were contemplating a move to the hospital and, although I asked and begged that something be done for these children, that it didn't seem human to have them living and expecting them to maintain a home where the temperature was 32 and 40, no temporary measures were taken until finally I guess I did have a scene.

I said that I was going to write to the parents. I felt it was my duty that I would write to the parents and inform them of how the children were living.

Finally they put partitions up in the part of the building that was unheated and they had some semblance of comfort.

In the spring I had occasion to submit to Mr. Feld, the principal's office, a report where one of our staff members had given alcoholic beverages to two of my girls in the dormitory. It was disheartening because the girls themselves had an honest desire to leave liquor out of our building. It was through this desire that the attention was brought to me. They were placed on sort of an honor system and I guess the girls that were having liquor at the employees home had talked too freely and also they had smelled it and had been told and were aware that they were drinking.

I submitted the report to the office, and also that there was supposed to be a romance between this teacher and one of the students. I questioned the student and she admitted as much to me. She admitted that they were having a little more than a pupil-teacher relationship.

I made the report to the office. I guess that is where most of my trouble began because it seemed that they turned on me and it was I that was being questioned. It seemed that it was I that was doing the wrong and at the time of the interview of this teacher the teacher was present and the student and Mr. Feld and myself and this teacher admitted that he had given liquor to the girl and, however, he said that he threatened the people that were present, Mr. Feld and myself, and said that we were all guilty as far as liquor was concerned and when I asked him what he meant he finally said if I was going to take it that way he was going to remove that from the statement.

I don't know if Mr. Feld didn't defend himself. I don't know what happened.

I do know that the children are aware that at present one of the teachers there indulges in drinking frequently during the summer when he was out and he was arrested for drunkenness.

Of course, the children know about this and are aware of it and he was picked up and had served 30 days and his license was taken away.

I don't know how they managed it, but in their school paper they placed, "Thirty days hath September, Anderson, June and November."

So the children are aware of that situation. It is people like us who feel that we have tried to do our best and we find ourselves on the outside.

Mr. CHUMBRIS. Have you a copy of that report?

Mrs. GARCIA. Yes, I have.

The CHAIRMAN. We would like to have that as an exhibit.

(The information was not received in time for printing.)

Mrs. GARCIA. I would like to say that before I came up here, Mr. Gorneau, the chairman of my tribal council at Belcourt, asked me if I was going to appear, and I said I was.

He said, "Don't you intend to work in the Indian service any more?"

And I said, "I don't know."

He said, "I just wanted you to know."

I said, "I really don't care. If it is going to help my people in any way, I have made my decision that I am going to come and appear free and willingly."

Mr. Gorneau said, "Just as long as you go in with your eyes open, Estella."

Chairman LANGER. I do not think you have to worry at all about that because Mr. Landbloom is here and will protect you in your position.

Is that right, Mr. Landbloom?

Mr. LANDBLOOM. If the facts justify it we will protect the position if we can.

Mrs. GARCIA. I don't have a position. My position was abolished at Fort Totten and I said, as a teacher, I was qualified and could have taken a position right at Fort Totten as a teacher. They were aware that my husband was in law school, and it really left us in a dire situation for me to lose my job at that time and it was in July that I knew that the position was being abolished and they could have said to me, "Mrs. Garcia, you have nothing to worry about. You are a teacher and may go to Belcourt," and place me there and instead they held off until September until my name was the last one on the register, and I was placed in Belcourt and after I was placed there, after they accepted me as a teacher, I was called in and given a little sermon on how I should behave, and they referred to the difficulties that I had at Fort Totten, and they weren't able to supply living quarters for me.

I find myself living on Fort Belcourt, and I thought I may as well be living there and employed as being subjected to these difficulties that I feel I have received.

Chairman LANGER. Between Mr. Kastler here and Mr. Landbloom, they will take care of the situation for you, I am sure.

Mrs. GARCIA. Thank you.

Chairman LANGER. Call your next witness.

Mr. CHUMBRIS. Mr. McKay.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in this pending matter will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MCKAY. I do.

TESTIMONY OF ALFRED MCKAY, VICE CHAIRMAN, TRIBAL COUNCIL, FORT TOTTEN INDIAN RESERVATION

Mr. CHUMBRIS. Please state your full name for the record.

Mr. MCKAY. Alfred McKay. I live in Fort Totten.

Mr. CHUMBRIS. Do you hold an official capacity with the Indian council?

Mr. MCKAY. Yes, I do. I am the vice chairman of the tribal council at Fort Totten.

Mr. CHUMBRIS. How long have you been vice chairman of the tribal council?

Mr. MCKAY. Since March 1953.

Mr. CHUMBRIS. For how long a period are you elected to office?

Mr. MCKAY. At the time we were elected we were under the assumption that we were in office for 2 years. However, shortly after we got in office we had some trouble with the agency officials, and they tried to find another constitution and bylaws which they say it is official copy of the constitution and bylaws pertaining to our tribe.

So that constitution which they claim we have accepted says our first election is the one that we are going by now.

Mr. CHUMBRIS. What term did that provide?

Mr. MCKAY. That provides for 1 year.

Mr. CHUMBRIS. One year only?

Mr. McKAY. Yes, sir.

Mr. CHUMBRIS. Is there any issue involved as to which is the proper constitution and bylaws?

Mr. McKAY. No, there isn't.

Mr. CHUMBRIS. In other words, you don't object to it, the 1-year term of office?

Mr. McKAY. We have accepted that as official.

Mr. CHUMBRIS. How many members are on your council, Mr. McKay?

Mr. McKAY. There are five.

Mr. CHUMBRIS. And do they all have 1-year terms running concurrently, or are they split?

Mr. McKAY. They are not split; no, sir.

Mr. CHUMBRIS. When do you hold elections?

Mr. McKAY. Our elections are held in May.

Mr. CHUMBRIS. Has your tribal council made certain recommendations which you have here today to present to the subcommittee?

Mr. McKAY. Yes, we had an informal tribal get-together Sunday. As mentioned here before, most of the people are away at the present time in the valley and so forth.

So what we had was an informal get-together, and we made up a schedule.

Chairman LANGER. Will you read your recommendations?

Mr. McKAY. Juvenile delinquency is one that I have here. That is the first one. I think that has been discussed with Mr. Christianson very thoroughly.

I take the same stand that our juvenile delinquency problems are no worse than your surrounding communities.

However, I believe that this condition could be improved if the Bureau which is supposed to be the guardian of the Indian would continue instead of just dropping them off when they become 16, or when they finish the eighth grade and they don't urge them any more, and they are through.

If they were assisted and prompted a little more, maybe they would continue and get the better education than probably the average child gets now.

Mr. CHUMBRIS. You have most of your recommendations typed and will leave them with the subcommittee?

Mr. McKAY. I can, yes. We have 2 or 3 copies.

Mr. CHUMBRIS. You go ahead and discuss with us what you want to discuss with us at this time.

Mr. McKAY. I have only one and that pertains to the claim, and I think that we have taken it up with Senator Langer last February when we were in Washington, and I know that he has contacted the Attorney General in regard to signing a Government treaty so that we may proceed with the case and if it is possible get some benefit from it.

Another thing that is very noticeable at Fort Totten, not only to the people there, but to the surrounding communities, and I think it is also acknowledged by the congressional members that the installation at Fort Totten is definitely neglected.

I believe that the last time it had any major maintenance work done there was probably in 1932 or 1933, when President Roosevelt was going to make a trip around Devils Lake.

Then they painted up the buildings and fixed the grounds and one thing and another, and since then the thing has been going to pot.

I have been requested by the people that were asking me to inform Senator Langer that they were disappointed that the subcommittee could not hold a hearing there, but they certainly do appreciate appearing here.

Law and order has been discussed and I would like to ask a question, if I may.

Mr. CHUMBRIS. Yes, you may.

Mr. McKAY. I know this particular procedure to have taken place several times on the Indian reservation pertaining to liquor. I don't know whether that is proper or not, but I have been told by different ones that when the law-enforcement officers come around they will give maybe an Indian some money to buy liquor or get someone to buy liquor for them.

This Indian will then roam the street a little bit and find some prospect and give him the money and they then are always under surveillance by the Federal agent.

This is just set up so that when he buys the liquor and brings it to the Indian he is caught red-handed and then the report is made.

Mr. CHUMBRIS. Would you like to have that question answered?

Mr. McKAY. Yes.

Mr. CHUMBRIS. We will let the United States attorney's office answer it for you, if you desire.

Mr. MILLS. I think there would be certain aspects of entrapment there that might invalidate that if we did it that way.

I would like to speak of something that might have been misinterpreted in regard to liquor.

My objection is liquor to minors. Of 5 rape cases pending, 4 of the girls were intoxicated.

Chairman LANGER. How old were they?

Mr. MILLS. They were all 15, or 14. As far as the liquor law, it has been changed by the Federal Government to a certain extent and there isn't the emphasis on enforcement that there was, but the emphasis on the enforcement of liquor to minors will still be there.

As far as your specific question, I believe that would be entrapment. I doubt if it would be successful as far as prosecution.

Mr. McKAY. I know that we have had several cases like that in the past. That is not new and I don't know whether they still practice it or not, but I have heard of it.

Mr. MILLS. I might tell you something else that is of interest.

One of the State courts had the same situation as North Dakota. Their court has held that the State law relating to liquor violations is unconstitutional after the Federal law had been repealed because it was against a race and was discriminatory and had no foundation and that could be the holding here.

We don't know. It hasn't been tested yet.

Mr. McKAY. I want to bring up the case of medical service.

I just forget the year now, but it has just been recently, I think a year ago, that they took our hospital away at Fort Totten. We were

told that at that time there would be medical service provided for the Indians and at the various hospitals. They tried to persuade the Indians to give up this hospital. They didn't do it.

In fact, the hospital was closed over the protest of the Indians.

As a matter of fact, the Indians were called to a meeting and asked to vote on whether or not they wanted to keep their hospital or whether they would accept the other plan for medical service as had been presented to them. They voted, I think, the last time when they voted, the time I am referring to here, to vote to retain the hospital, was 100 percent for retaining.

About 2 minutes after that, or just after the voting, one of the officials pulled out a telegram and read it to them, to the people, that the hospital was already closed.

I think that is referred to there, that we have received that telegram. That was done right after we voted.

I think they probably thought they had the Indians set up to accept what was in the telegram, but it didn't turn out that way.

When they did close the hospital just prior to the closing of it, for just 2 or 3 months in this, I believe that they kept the patient load down to either 6 or 7 so that when they actually closed it they could use that as one of the reasons for closing it.

We took a 10-year period prior to the closing of the hospital and discovered in the official records there that the patient load for 10 years was 17 plus.

At the present time I doubt if the patient load at the Mercy Hospital in Devils Lake would be 3 or 4, and that is taking in the entire population.

So it seems to me that somebody is getting left out.

It is also advocated by the officials backing the program that an amount of \$60,000 was amply appropriated for the operation of the hospital.

As I say, it was advocated that \$90,000 would be appropriated after the switch was made and that was, I believe, was made at Devils Lake, because the people at Devils Lake were the ones that were to accept the Indians and I guess that is where the \$90,000 came in.

Chairman LANGER. Mr. McKay, you remember that Congressmen Burdick and Aandahl in Congress at that time and Senator Young, and I, protested the closing of the hospital and the records showed that you had a patient load of five.

Mr. Landbloom, you have the records down there on that; have you not?

Mr. LANDBLOOM. I wish you would file that record as a part of this hearing because we had the records brought in at that time and they said just having a patient load of five did not warrant keeping a hospital open and that they would send those Indian patients to Devils Lake.

Since that time there has been a complaint that they haven't had the kind of treatment in some of the hospitals of the reservation that is satisfactory to the Indians.

Do you know anything about that?

Mr. MCKAY. Yes, I have heard a lot about it. I have never been in one myself to verify it, but I do know that they are not satisfied with the present system and especially now where they have to go to Fort Totten and considering being isolated.

That was another excuse they used, was that the hospital was in an isolated position. I think the position of the hospital was in the heart of the Indian Territory that it was serving.

Now, they still have to go to Fort Totten and then transfer over into Devils Lake when they get the authorization.

The most recent activity taking place as far as medical service is that we did have a pretty good ambulance. The superintendent I suppose authorized that to be taken to Devils Lake and now we have a little wagon. I have seen it drive by.

Another thing that the people requested me to bring up is the fact that the distance between here and Fort Totten is quite a ways and especially in wintertime and in North Dakota, sometimes those winters are bad. They have to do their business at Belcourt. They do have a representative at Fort Totten, but it is not satisfactory. They still have to get permission from Belcourt if they want to do anything, especially in the case of funds which is one of their main resources I suppose they would have.

Money is taken care of at the Belcourt agency. They have to send in a request and then sometimes the request goes in and they don't get a reply for a month and they send in another one, and maybe they will get a reply and maybe they won't.

Also they drive up to Belcourt to get the money and about 50 percent of the time they are either closing or opening the books so they can't do anything for them.

We have cases, and I think this one has been taken up one time or twice. It is the case of Louis Longie, where he is questioning about \$700 deficit. He is an elderly man on old-age assistance. I know that that case has been taken up. Whether or not they have cleared it, I don't know. I don't think they have.

Mr. MILLS. What was his name?

Mr. McKAY. Louis Longie.

It seems that when we go to the agency at Fort Totten there is a question of authority or who can say this or that and they give you a push-around and you don't know where to go.

We thought that the subcommittee was coming to Fort Totten. I think I have mentioned that.

The living conditions are just as I believe you had a picture here this morning. They have to haul their water, keep it in a barrel until somebody comes along with a team and you get another one.

Mr. MILLS. What size force do you have at Fort Totten?

Mr. McKAY. Well, actually I would say there are two people working there. That is our tribal clerk and a girl that goes to the office and works half a day. There are two other employees there I don't know. They have Government cars and we don't see them very often.

We have had correspondence with Senator Langer that has been returned and they were in the form of complaints and they were returned back to us after investigation was supposed to have been conducted by the Bureau of Indian Affairs, which were very unsatisfactory, and I don't have the copies with me, but I would like to go into those.

But, as I say, I don't have them right now. We will try to get them tomorrow if we can, and if we get time we can talk that over.

We would like to get straightened out on what kind of investigation was conducted.

Mr. CHUMBRIS. Are you referring to what kind of investigation the Indian Bureau conducted, whether it was routine or whether they made a thorough investigation? Is that what you are referring to?

Mr. McKAY. Yes; and I think there was more information given to the investigating officer because he investigated different ones that I know and that was not in the letter from the director through channels back to the Indians.

We have a case at Fort Totten involving funds. It is a submarginal land that has been loaned to the Indians, I believe, by the Agricultural Department. We have a permit to use the land as ours until the first of 1958, through 1957, I believe it is.

There is no lease to my knowledge on that land at this time.

However, a grass-seed company official went to the office and I understand that Mr. Lee was there and they asked him whom they should see about taking the seed off the land.

So he said go and see a certain fellow. They did, and gave him the money and he took the seed and we tried to recover the money and they tell us that we can't do it.

The area officials came down full strength, the attorney, Mr. Land. Lee was there and they were full force and when we tried to get that money the lease had not been signed by the tribal chairman. So without the consent of the tribe, then, they told this fellow that wanted to lease the land that they would approve his lease for a year.

I don't think there is a lease yet. As a matter of fact, the only lease was not signed by the chairman of the tribal council and the money was left there at the office pending signature of the chairman, which he never did.

He knew of the seed company coming in to buy the seed, so he was stalling off to negotiate with the seed company.

In the meantime, the representative at Fort Totten asked the tribal clerk about the lease and he told them there was no lease, and so he said, "You type up another one and we will get it approved."

But the tribe did not sign the lease and I don't think there is a lease right now, but the money is not in our account.

Then we ask about different things. Write letters and pass resolutions and one of these resolutions was on a use of the account D-76. They tell us one time it is froze, orally, and another time that we could use it. We don't know what the status of it is.

We have resolutions that have been made and sent, but we have no reply. We have to get the date on that. We intended to bring that along, but didn't do it.

Mr. CHUMBRIS. To whom have you written?

Mr. McKAY. It was a resolution passed by the executive committee of the council.

Mr. CHUMBRIS. To whom did you write?

Mr. McKAY. It was sent through channels to the area office.

Mr. CHUMBRIS. Do you know anything about that?

Mr. HOLMES. I am afraid I didn't understand a moment ago. Were you complaining about the Indian officer enforcing the liquor law?

Mr. McKAY. I said I knew of instances where the Indian special act would employ an Indian by giving him money to give to a person to buy liquor.

Mr. HOLMES. I didn't understand exactly what you meant there.

Well, is it that the Indian Service employee would give money to a white man to buy liquor?

Mr. McKAY. That is right.

Mr. CHUMBRIS. He would give money to an Indian.

Mr. McKAY. To an Indian to pass the money on to another white person.

Mr. CHUMBRIS. The Indian Service man would give money to an Indian to go and buy liquor for a white man so that he could prosecute the white man?

Mr. McKAY. Yes.

Mr. HOLMES. What is wrong with that?

Mr. CHUMBRIS. He wasn't complaining.

Mr. HOLMES. I was wondering if he was complaining on the enforcement of the liquor law.

Mr. CHUMBRIS. I was asking Mr. Landbloom as to this fund and also as to the letter that he wrote to the area office.

Mr. LANDBLOOM. They passed a lot of resolutions. We would like it defined.

Mr. McKAY. That is on this D-76 account.

I think it is repayment of cattle account. You see, this spring one young fellow, a veteran, came in and wanted to buy cattle, and at that time he had an oral understanding that they could use the account. So I know the chairman wrote a note to the seller and explained to him that just as soon as possible, why, they would pay this fellow selling the cattle to this Indian veteran through this account.

We have inquired about that and haven't received a reply.

Mr. LANDBLOOM. We will find something on it for you.

Chairman LANGER. Mr. Holmes is the attorney for the area down there, and he will gladly answer any questions we may write him about after we go over your testimony. I am sure he will be delighted to do that.

Mr. LANDBLOOM. What is the number of that account?

Mr. McKAY. D-76, repayment cattle account. I am a member. As I have gone through here I am not in good standing with the officials, the Indian Bureau officials.

Mr. CHUMBRIS. What do you mean by not being in good standing?

Mr. McKAY. The thing is this: They have threatened arrest twice to me now. There is the report, I don't know. Mr. Holmes should know that, that I sold liquor in my store to Indians; is that right? Do you have a report such as that in your office?

Mr. HOLMES. I don't know of any such report, but it could have been made and I wouldn't have known about it because it wouldn't come to my office.

So far as I know I haven't seen any report like that.

Mr. McKAY. Then there is some question as to the title of the land where we built this little store and are operating and I was told by very good authority that the Government might come down and lock up the store and, further, that the county deputy sheriff and the representative at Fort Totten were riding around the agency there to see the priest whom we leased the land from reading the law to him that a warrant could be issued for my arrest if the Indians gathered there and had a pow-wow on Sunday.

I was given that information from the priest that if that occurred again I would be prosecuted. They came down Saturday night and the priest came over and told me I wouldn't be prosecuted if they danced, that it was all right.

Those are the things they are holding over me and I don't like it, but I was born and raised there and I have to live there.

In the minutes of our meeting of March 5, 1954, when I came back from Washington with the other two members of the council I was told that I had furnished liquor to a group of Indians that had a wine party and either furnished them liquor or money to buy the liquor, but was involved anyway with another Indian and when this party was going hot and heavy the report would be made to the Indian agency where the Indian officials would go to check on this party and the persons intoxicated would use a knife or something on the officials.

That was brought out at one of the council meetings and the figures admitted saying it. I don't know what he was to gain by it, but I know that was some of the things that happened to me.

I believe that the reason for all this is that I am trying to do what we can for our people. Maybe we are stepping on somebody's toes. I don't know.

It seems that way.

Mr. CHUMBRIS. Does that complete your statement, Mr. McKay?

Mr. McKAY. Yes; I believe that is all I have right now.

Mr. CHUMBRIS. Mr. McKay, the other day when I was through Minnewaukan we had a delegation of Indians and discussed certain questions that you would like to present to the subcommittee.

I would like for the record to show that those questions that you propounded were discussed with Senator Langer and Senator Kefauver and some of those questions have been thoroughly debated at our previous hearings at Fort Yates and New Town, and we have all of these experts back here in various phases of State and Federal Government who have seriously considered many of your problems, such as—

The length of time required to settle claims;

The difficulty of Indians and Indian GI's getting Federal loans;

Why a works project can't be brought to Fort Totten to aid jobs;

Some of the disadvantages of the Social Security law;

The relocation program which takes Indians away from North Dakota and to the very large cities;

Why aid to dependent children—ADC—is high for unwed mothers and very low to married couples who have children and do need aid;

Why there is discrimination in getting jobs with the State employment agency, and our State employment agency representative was in New Town yesterday and will report at Bismarck tomorrow;

Diversity of opinion as to the Federal or State having jurisdiction over law and order, and also in the tribal court.

You have heard that mentioned here today, and it will be taken up again tomorrow and also some of your complaints against Indian Bureau which you have already stated here today.

We want you to know that all of those items which you have discussed with us informally have been seriously considered by your Senators on the subcommittee and by these gentlemen here, and they will be thoroughly looked into and given prompt attention.

I wanted you to know that so that you can report to your delegation.

Is that right, Senator?

Chairman LANGER. That is correct.

Call your next witness, Mr. Chumbris.

Mr. CHUMBRIS. Mr. Kuhn.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KUHN. I do.

**TESTIMONY OF GOTTFRIED J. KUHN, EXECUTIVE SECRETARY,
WELFARE BOARD, BENSON COUNTY, N. DAK.**

Mr. CHUMBRIS. Will you please state your name and address?

Mr. KUHN. My name is Gottfried Kuhn. Minnewaukan.

Mr. CHUMBRIS. What is your position?

Mr. KUHN. Executive secretary of the county welfare board, Benson County.

Mr. CHUMBRIS. Benson County.

Mr. KUHN. Benson County.

Mr. CHUMBRIS. How long have you served in that capacity?

Mr. KUHN. In that job for about 16 years; in Benson County 3 years.

Mr. CHUMBRIS. Did you have any previous experience with welfare work?

Mr. KUHN. Seventeen years.

Mr. CHUMBRIS. Mr. Kuhn, I understand that you have been making quite an extensive survey of welfare problems in Benson County; is that correct?

Mr. KUHN. Yes, in a way.

Mr. CHUMBRIS. And would you please state to this subcommittee some of the findings that you have made on welfare conditions in Benson County?

Mr. KUHN. Well, I think I should probably give you a bit of information concerning the present status of the ADC program, since when you were in my office the other day you called attention to that, so that you may know the complexion of the cases, the type they are that we have.

Closely identified Indian cases, as of September 1954, there are 56 cases. In the 56 cases are represented 141 children.

Since the discussion has been very much in connection with illegitimacy and children born out of wedlock, I would like to say that so far as the records show, of the 141 children, 35 were born out of wedlock.

I should have to qualify that a little bit because they are not necessarily unmarried mother cases as they would ordinarily be referred to. They may now be in families where there is a legally constituted father and mother situation. The child may have been born before there was a marriage.

In other words, there is a stepchild in the house. In a few cases it may have been that the child was born without the legal marriage having been terminated.

Of the 56 cases that are receiving assistance now there are 6 that are unmarried mothers. They are single and 5 have 1 child and 1 has 2 children.

Mr. CHUMBRIS. May I ask you a question here?

Of the 35 whom you say are illegitimate some were children born before marriage? Do you have how many of those children of parents who have since married?

Mr. KUHN. Or where the child was born while the marriage legally existed, or were the fathers and mothers no longer living together?

Mr. CHUMBRIS. Yes.

Mr. KUHN. I am getting to that now.

Six unmarried mother cases and there are seven children. None of the others were born out of wedlock and the children are now cared for by their grandmothers or relatives, close relatives.

The others fall into that neutral category so far as the population is concerned, that is on an ADC.

I would like to make a comment on the ADC program as such. Frequently it has been said probably that these girls go out and get themselves pregnant and have a child in order to get ADC. I at least want to caution on that to the extent that which adult would want to hold a 14, 15, or 16-year-old girl responsible for that type of thinking in order to enhance her economic security to go out and get a child. Principally I think it is force. I am sure that there are very few in any such situations where it is contemplated by that age group to become economically self-sufficient by way of a child.

It is also to be noted that juvenile delinquency many times seems to be connected with primarily the girls who have the babies.

Now, it is interesting to note that in the cases that I have examined as far as the statistics are concerned, concerning age that in only 1 case was the reputed father more than 21 years old and most of the girls were in the 14-17 group.

Therefore, the delinquency is not that of the girl. It must be that of the adult. At least, you hold the adult responsible first before you hold the child responsible.

Before leaving that part, I will add a comment that probably should have come later, but it has been mentioned that a social-security law as it affects the public welfare program may have some defects or something that might be changed. So far as Benson County Welfare Board's experience is concerned, we are quite in agreement with one area in particular, and that is that it might very well provide for a variable grant rather than a standard that is uniform throughout the State, throughout the county, as a whole. A previous explanation of that would be this:

If a family is in need of assistance and services possibly the amount of money that they should receive would be in keeping with their capacity to handle it and as the capacity to manage it and to use it successfully for themselves and their children increases in like manner, would you increase the grant?

The statement made this morning that a person with enough children could get \$250 is quite true, or \$300, or whatever it amounts to.

If that money is used advisedly and for the good of the family and the children, it might not be too bad, but if it could not be used in the interests of the family and the children and were going to be

squandered anyway, the least the public could do would be to save their money, at least not throw it away.

So it is not quite as important, but in a relative sense, equally as important of the reservation also.

That, however, implies that it would require a good deal of time limitation in terms of services to help the family and children to do a better job.

Did you want to ask questions, or did you want me to give you a bit more?

Mr. MILLS. On those figures, sir, the 56 families, was that both non-Indian and Indian in Benson County?

Mr. KUHN. That is Indian only.

Mr. MILLS. How does that compare with the non-Indian on ADC?

Mr. KUHN. Twenty-four non-Indian.

Mr. MILLS. What is the approximate population, the ratio of Indian and non-Indian population in your county?

Mr. KUHN. Ten to one.

Mr. MILLS. Ten non-Indian to one Indian?

Mr. KUHN. Approximately. That would be very close.

Mr. MILLS. Do you think that the situation might be different in Benson County than it would be here?

Mr. KUHN. For some reasons I think so. I think that there is a decided difference in the two reservations and the biggest part of it probably stems from the fact that the first move had been made in Fort Totten that concerns law and order. That has made impressions. Many things are different.

Chairman LANGER. Mr. Kuhn, these percentages are not quite fair to the Indian, are they, because 50 or 75 or 100 years ago under the Indian custom a man and woman just went and lived together. Now the so-called white man or non-Indian has come along and tried to change their custom and there are still a few of the oldtime Indians who abide by the old rule; is that not true?

Mr. KUHN. I think very much so.

Chairman LANGER. And the result is: Do you not really think that as far as the morals and juvenile delinquency are concerned, it is just as good among the Indians as it is among the non-Indians?

Mr. KUHN. Yes; I would relate that record to the cultural and sociological background which is the key to the understanding of this situation, and for that reason I even dislike to speak in percentages concerning what the status of this is.

For example, if it is right in the cultural and the sociological setting to accept the fact that a child is born out of wedlock, that is accepted by the parents and by the grandparents in the community without being stigmatized, it is obvious that that can be very well. The child can grow up without any unusual edification.

In this society where the cultural background and social sociological setting calls for unusual restraint and it is absolutely intolerable to have a child born out of wedlock that child must be stigmatized and the restraints are quite different than they were in the situation where the people are of a different culture.

Chairman LANGER. Mr. Hart?

Mr. HART. Mr. Kuhn, of the Indian children under your program that are receiving ADC, 1 out of 4 is illegitimate; is that correct?

I take it as 35 of the 141 cases are illegitimate so 1 out of 4 is illegitimate; is that correct?

Mr. KUHN. Well, that is to be qualified because the child that is born during the time that a legal marriage exists is not an illegitimate child, but as a matter of fact, the child has a different father.

The other marriage may not have been entirely terminated for reasons explained this morning and the new marriage legally cannot be consummated as it is written in the law.

Therefore, the other type of marriage will take place. And these 35 include those.

Mr. HART. Can we depend on your statistics that 35 of the 141 children are illegitimate? Is that the statement you made?

Mr. KUHN. If you will define illegitimacy, as you think of it, I will answer that immediately.

Mr. HART. Did you use the term "illegitimate" this afternoon?

Mr. KUHN. No, I said born out of wedlock and with that variation in it there to give it status.

Mr. HART. In other words, 35 of the 141 children were born out of wedlock; is that correct?

Mr. KUHN. In a sense. There were 50 children born illegitimately according to the strict definition of the term.

Mr. HART. Do you have a degree in social welfare?

Mr. KUHN. Yes.

Mr. HART. A master's degree in social welfare?

Mr. KUHN. Yes.

Mr. HART. Do you know the definition of illegitimacy under North Dakota laws?

Mr. KUHN. As I understand.

Mr. HART. As you understand the term "illegitimacy" under North Dakota laws, how many of these 141 children are illegitimate?

Mr. KUHN. Fifteen.

Mr. HART. Has the parentage been determined in these 15?

Mr. KUHN. In some.

Mr. HART. How many?

Mr. KUHN. Two were established. The paternity was acknowledged through provisions in the State's attorney's office. That is of the cases that are receiving assistance now.

Mr. HART. That leaves 13 where the parentage has not been established?

Mr. KUHN. No, 2 are in the process and 1 was unavailable and then they threw about 3 of them out. They couldn't do anything with them.

Then the others are of the nature that may have been born, it is quite possible for a child to have been born 7 years ago come on the program in ADC in 1954 and in the meantime your time limit, which is 2 years, has expired and, therefore, you don't even try with the idea of establishing paternity and there are any number of those cases.

Mr. HART. Will you tell me this: Of the 35 you mentioned, Mr. Kuhn, and we are using your definition now, how many of the actual fathers are known to your department?

Mr. KUHN. Known by what means?

Mr. HART. By any means.

Mr. KUHN. I mean would you include there if we have taken an application for assistance and the person says so and so is the father? Would that be what you mean?

Mr. HART. Let me put the question this way:

Do your records and the running records that you have in your office and the applications and all of the papers that you have show who is the parent, who is the father of any of these 35 children?

Mr. KUHN. Yes, some.

Mr. HART. How many?

Mr. KUHN. If they are known to the person who is applying for assistance——

Mr. HART. I am not concerned about that. I am concerned about your records.

Mr. KUHN. That is where we get our information. We get our information from the mother.

Mr. HART. I did not ask you that. I asked you as to your records. Will you tell me whether or not your records show who the father of how many of these 35 children is?

Mr. KUHN. I think that it would be safe to say to you that about 87 percent of them do.

Mr. HART. Is that according to your records?

Mr. KUHN. Well, unverified. That is the statement of fact given to the caseworker by the person, unverified, of no particular interest or value to us at this time because the time for taking legal action has long since expired.

Mr. HART. You put yourself in the position of determining whether or not it is of value to this subcommittee; is that right, Mr. Kuhn?

Mr. KUHN. Yes.

Mr. HART. In other words, your opinion and your judgments as to whether or not the committee should have that information is more important than the information the committee may want; is that correct?

Mr. KUHN. I don't follow you.

Mr. HART. Will you now tell me this: How many of these 35 children do your records indicate the name of the father?

Mr. KUHN. I can say indicate—that is better—indicate, because then I am not responsible for verification. Eighty-seven percent.

Mr. HART. In other words, in your records they indicate a father in more than 85 percent?

Mr. KUHN. Or more.

Mr. HART. Of that 85 percent where your records show some information as to the father, how many of those have had parentage established?

Mr. KUHN. I can't give you the exact answer. We will have it in the not distant future. It will be about 3 weeks before we will have that. We will be very happy to submit it at any time when we finish the study.

Mr. HART. I wish to ask you your opinion as a trained social welfare worker with a master's degree: Should parentage be established on illegitimate children where there is evidence to indicate where the father is?

Mr. KUHN. Generally it is very well thought of if the mother wishes it to be done. The mother has some rights and prerogatives apparently as a person, that will go a long way to deciding that.

Mr. HART. The most important consideration, then, is the thing of the mother; is that correct?

Mr. KUHN. I would think that comes first.

Mr. HART. And the people of the State of North Dakota that pay the bill for a public charge that is illegitimate; do you believe they have any rights at all?

Mr. KUHN. Yes.

Mr. HART. Do they have a right to expect the father to support that child?

Mr. KUHN. Yes.

Mr. HART. That is of small consideration as compared to the right of the mother?

Mr. KUHN. The mother comes first.

Mr. HART. The people paying the bill come second?

Mr. KUHN. Yes.

Mr. HART. Now, let's get to the variable grant. I am really interested in this, Senator Langer, because we have held several conferences in North Dakota on this subject of a variable grant.

Is it possible, Mr. Kuhn, that this variable-grant operation if it would be permitted by the Social Security Administration, would cure many of the evils that now exist in the payment of money on ADC cases?

Mr. KUHN. I agree with that.

Mr. HART. Would you say that it would improve the situation 10 percent or 25 percent, or 50 percent?

Mr. KUHN. That would depend entirely on how good your administrative setup is. If the administrative setup is no good, it would be too bad it ever happened.

If the administrative setup is good, it would improve that 100 percent.

Mr. HART. We will take a hypothetical case where you are in charge of the administrative setup.

Mr. KUHN. I wish you didn't.

Mr. HART. How much improvement would happen? What improvement would there be?

Mr. KUHN. Move it up to Garmann's place, and I will answer that.

Seriously, Mr. Hart, it is a very time consuming job to attempt to say that through some other people, through a governmental agency you are going to help some individual, and families, and sometimes many individuals, to try to accomplish a better way of living that everybody wants, but, because of the hazards that are in modern society, it is very nearly impossible to make one's problem.

I wanted to make another comment about the involvement that made it particularly difficult to deal with situations that you are pointing to and that is that it is more common probably in the cultural setting for one or two marriages, or probably a third one than in some other cultures and, therefore, the problem in the family immediately becomes acute because wherever there are stepchildren there is a different relationship, a different family setting, and that is frequent. The incidence is high in this group of cases.

That presents some very peculiar social problems.

Now, whether that is good or bad, I don't know. I know if it happened in some parts of the country, I read the other day sort of a headline in the paper where they said everybody was shocked at a certain marriage going to pot, and if it happens on the reservation nobody is shocked, but the county welfare board, maybe.

Chairman LANGER. I think we understand your testimony. Thank you very much.

Mr. CHUMBRIS. Father Hildebrand Elliott.

We won't swear you, Father.

**STATEMENT OF FATHER HILDEBRAND ELLIOTT, PASTOR, ST. ANN'S
INDIAN MISSION, BELCOURT, N. DAK.**

Mr. CHUMBRIS. Father Hildebrand, I am going to call you out of the order of witnesses because I understand you have to get back to your church.

Would you please state for the record your full name and the church at which you officiate?

Father ELLIOTT. Well, I don't think its necessary. I am Father Hildebrand Elliott. I am pastor of St. Ann's Indian Mission at Belcourt, N. Dak., as everybody knows, for many years.

Mr. CHUMBRIS. As I understand, you were in South Dakota.

Father ELLIOTT. I was assistant at a mission in South Dakota for 2 years and became acquainted with the children there at that time.

Mr. CHUMBRIS. Father Hildebrand, as you understand, this subcommittee is interested in Indian affairs and particularly problems of delinquency of youth, if there is such a phrase as delinquency of youth.

We would like to have your experience and your suggestions and your recommendations as to what we could do as a subcommittee and what the communities here can do to retard juvenile delinquency.

Father ELLIOTT. Well, I wish to say, first of all, that dealing with juvenile delinquency you are treating the symptoms and not the disease. It has been very truly said that what we have been talking about for the last few minutes, the correct statement is there is no such thing as an illegitimate child. There are only illegitimate parents.

To some extent, but not to the same full extent, we may say there is no such thing as a delinquent child. There are only delinquent parents.

It is a little difficult for me to understand our Government in that it so frequently and easily, as the laws of the different States and different courts, go about constantly making divorce and such things more and more easy to attain when the fundamental basic unity of all human society is the family.

Whatever you do to disrupt and destroy the family, to break it apart or to weaken it, is going to have its repercussion in the children.

They will also make the teaching of religion illegal in our schools. With what else can children, young people or old people, for that matter, with what else can they form a right conscience except with some personal belief in a personal God?

If they do not have this they have no basis in their own heart and mind on which to formulate a conscience.

Now, undoubtedly in the local delinquency problems are based a great deal on the local moral setup, the moral fabric of the people. This is governed frequently by their economic conditions and governed most of all by the example and by the theories and especially by the practices of the grownups around them.

If a man wants to have a good family he must train them good from infancy up. If the county or the State or the Nation wants to have good youth, then the training for that must begin early in life and continue until they reach maturity.

I think that a lot of our problems lead to the situation. Everyone knows that the Indian reservation constitutes almost the equivalent of a slum condition in the country. They are economically so handicapped that it is impossible for them to have a standard of living equal to others.

There are nearly 5,000 people on 6 by 12 miles. There is not more than 5,000 acres of tillable soil in that 6 by 12 miles.

That does not give them much more than an acre a piece and it is an acknowledged fact that in the State of North Dakota the ordinary family cannot make a living on a quarter section of land unless it is an unusual quarter section.

A great many problems arise out of the economic situation, but not all.

However, I think that a step has been made in the right direction in our local jewel plant which was established to give them year-round work. If that could be expanded to take in a much larger percentage it should help juvenile delinquency and adult delinquency and all the rest.

I have been approached many times on the subject of whether the Indians should be set free from Government control or not. As I told the local Indian council man, you cannot successfully take part in a dogfight. You just get bitten by both dogs.

However, I have a personal opinion in the matter, which I don't mind mentioning here. I really think that they would be better off if they were on their own and given the proper assistance and help for those that are sick or otherwise disabled as they would have if they were white people out in any other part of the country and were down and out and needed assistance of local relief agencies.

The idea that they remain on a reservation and remain wards puts them in a different class. It forms a segregation as it were. It has a tendency to impede assimilation into the rest of the citizenry of the country.

If they were the same status from top to bottom as all the rest, then they would consider themselves the same as all the rest and would be in the same class with the rest.

With the segregation problem facing the country now in the South, I was born and raised in the South and in a lesser degree we have that here. I don't think that the Indians are helped really by the reservation system. That is my personal opinion.

I know that there has to be a period of carrying over if it is changed suddenly, but I really think they will be better off if it were changed, if they were on the same basis as all the rest of the citizens in the country and the same expected of them according to their mentality and their ability, and on the average they are equal to the best.

They have lacked for a number of years the same chances as the rest. I do not wish to take any more of your valuable time.

Thanks for listening.

Chairman LANGER. Thank you very, very much, Father.

A gentleman named Fred Lang said he wanted to testify. Is he here now?

I see Ed Milligan here. He has had a lot of experience. He belongs to an Indian tribe.

The subcommittee would be very much interested if we could have your views. We won't swear you. We would like to have your views on this matter.

STATEMENT OF EDWARD A. MILLIGAN, INSTRUCTOR, SCHOOL OF FORESTRY, BOTTINEAU, N. DAK.

Mr. MILLIGAN. I am Edward A. Milligan, of Bottineau, N. Dak. I am instructor in social science at the school of forestry.

Frankly, I came over here to listen to my Indian brothers and sisters testify. As I listened here I would just like to make a few comments and that is from my intimate association with the Indians which dates back to my preschool days.

The basic problem is economic, and, as Father Hildebrand well expressed it, the Indian is caught in a dogfight between two dogs and you are going to get bit if you get into it.

I know from my long associations on Standing Rock that the Indian is hurt, boys and girls that I have known over a period of years.

I will give an example of one boy that used to come to me and say, "Ed, I am going to be an airlines pilot, but I have to have 2 years of junior college. So I am working and saving my money."

I watched this boy. I went back one summer and he should have been out of high school.

I said, "Where is Eddie?"

Somebody said, "Over in the local jail. He has been drinking a great deal lately. He never finished high school."

Let's go into the problem. Why did he start drinking? Why did he embark on this line of endeavor?

He had a goal. He was enthusiastic. There was something that happened that separated him from his goal.

If I had been in the Indian Bureau, which I am not, I would have been interested in pulling him up, seeing that he progressed along properly.

I think that on the reservations we have some very good personnel. I have little charity in my heart for some of those who land in Washington because I feel they are too far removed from proper knowledge.

Also as a veteran I long ago expressed myself on the fact that the Indian veteran in very few instances was ever able to take advantage of the GI bill of rights.

I have in my possession, but I don't have here, letters from various administrators where I would write in and they would say the Indian veteran is in a separate classification. He can't get a GI loan because he has not property to mortgage or if he has property he cannot mortgage it.

The same with the veterans who could have gone to school. However, to go to school you have to have clothing. You have to have money to go to school for the first couple of months before you get your first check, but nothing was ever done to enable an Indian veteran as far as I know to have that.

I have at times had Indians wire me or call me collect saying, "Brother, please send me \$25, please send me \$50 dollars, please send me \$100. I am stranded."

Some of those were Indians who had intended to go to school. They got down and found their papers were not in order and finally in desperation they would appeal to me for money to get back to the reservation.

The situation is economic.

I believe that education and employment is the solution. I believe that our education under the Fort Laramie treaty must be reinterpreted in modern terms. When the Fort Laramie was established, which takes in a great number of these people, an eighth grade education was sufficient, but today even a high school education is not sufficient.

The Fort Laramie treaty should be reinterpreted to where we are responsible to give those who wish and are able and capable of going into technical trades and into the professions, an education and then place them and have a followup program; to give those who wish to buy land and become farmers, and we have some right here in the Turtle Mountains, who would like to buy land, land that they picked out themselves and have a loan system not under a bureau setup, but under the same type of setup as a white man would borrow money and where he could farm and change his farming methods as seasons make it necessary to change his farming without this rigid regimentation.

I know potato growing from cutting all the way to grading and sizing and shipping, and I know very often that you must change your methods as situations change. It cannot become rigid and we cannot do it as a group because no one group can get even 60 percent together.

Those individuals who wish to go on their own need special plans made for them.

I know it is a lot of work. I will say solve some of the economic problem and we solve it all.

In regard to this getting rid of segregation, be careful. I do not approve of segregation, but it must be a slow move because all whites are not willing to accept people of other races into their school and I bring that even to North Dakota. I teach in a place where we have no segregation problem. We are having our homecoming queen contest now and we have 1 Negro girl, 1 girl from the Turtle Mountains, and 2 white girls constituting the 4 candidates.

Chairman LANGER. Thank you very much.

Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God.

Mr. CRANE. I do.

TESTIMONY OF WALTER CRANE, SHERIFF, BENSON COUNTY, N. DAK.

Mr. CHUMBRIS. Will you please state your name and your address?

Mr. CRANE. Walter Crane, Minnewaukan.

Mr. CHUMBRIS. What is your official capacity?

Mr. CRANE. Sheriff of Benson County.

Mr. CHUMBRIS. How long have you been sheriff?

Mr. CRANE. I am on my fourth year.

Chairman LANGER. We will take a 10-minute recess.

(A short recess was taken.)

Chairman LANGER. The meeting will come to order.

You may proceed.

Mr. CHUMBRIS. Sheriff, will you please, in your own words, make a statement to the subcommittee on the duties and responsibilities of your office and the conditions in Benson County?

Mr. CRANE. Well, if I understand you correctly, up until we got the opinion of the State's attorney quite recently, as far as my office was concerned we had the responsibility of the law enforcement on the Fort Totten Indian Reservation.

I should probably qualify that by excluding the 10 major crimes.

We had everything else of a criminal nature and a lot of it probably is an investigation and is not always followed by an arrest, depending on what the investigation uncovered.

I don't think that we have ever since I have been there left a call go unanswered or a referral to our office has never been made, I don't think, which has ever been as they say, pigeonholed.

We have tried to give the service to which the people are entitled.

Mr. CHUMBRIS. And the record that Mr. Christanson presented to the subcommittee this afternoon bears that out.

Mr. CRANE. Yes, it does. We have had probably lots of investigations that we have determined were unfounded and therefore a warrant is not issued.

Since this opinion has come out of the attorney general's office I have taken the stand on recommendation from our State's attorney that probably where it can be done the simplest way is to ask that they come in and get a warrant before I will make the arrest unless I am very sure after proper investigation or conversations by telephone that that crime was definitely committed on deeded land.

We are running into a lot of opposition from the residents in the area of the reservation who as you or I, or anyone else, would feel, are entitled to the amount of law enforcement and protection that that office affords and now they feel they are not getting it.

I believe the State's attorney cited incidents which happened over the past weekend for which I was called out to Tokio. It is a little unincorporated town in Woodlake Township. There was an instance of some Indians drinking and celebrating over the weekend and they practically took over at a few homes.

One particular case happened on a Sunday morning before I was called, in which 1 or 2 Indians had parked their car on the street in the little village and some folks north of town on their way home from church came upon this group of parked cars and one of the Indians came back and cursed and said, "That if you can get down through the ditch go ahead."

Well, this farmer said "Can't you move over a little bit?"

No, he said he couldn't and "if you want to call the sheriff, go ahead. He can't do anything to us anyway."

So, they are taking that attitude along with their intoxicants I think, and it does create quite a problem and naturally would worry a great deal of the people in the community.

I contacted several of them and suggested they come in and see the States attorney.

I did contact 1 or 2 Indians and gave them what I thought was a bit of education on this decision.

Chairman LANGER. Of course, Sheriff, you know that that Federal law under which you operate over there turning over the law enforcement to the county was passed at the request of the Indians and of the non-Indians in the form of a petition circulated by Judge C. W. Vutz. Judge Vutz sent that petition to go with a very strong letter to me personally in Washington. I produced the bill and filed a petition signed by a great many, certainly the majority of people in Benson County, both Indians and non-Indians and we passed the law at the request of folks in Benson County and there was no complaint until maybe 3 or 4 years ago when some of the county commissioners objected to the cost.

Mr. CRANE. They are still objecting to my cost, Senator.

Chairman LANGER. It was all done to accommodate you folks.

Of course, as to the opinion of the attorney general, I used to be attorney general and I was for 4 years and nobody paid any attention to any opinion I gave until the court decided it.

You know how those opinions go. You get a good smart lawyer and he says the attorney general doesn't know anything. We will wait until the Supreme Court decides it.

As far as the opinion of the attorney general goes, I learned from very sad experience that my opinion was overruled a great many times.

Mr. CRANE. I didn't bring any figures along pertaining to the expense of the office of sheriff in Benson County, pertaining to Indian and non-Indians.

However, I have in this file a night letter which on July 7, 1954, I wired to Senator William Langer at Washington, D. C. I think that will give some figures and if the committee so wishes, I would submit more at a later date.

If you like, I will read this telegram.

Chairman LANGER. Yes.

Mr. CRANE (reading) :

I wish to encourage you to do your best to get Benson County and the State of North Dakota reimbursement for tremendous expense of law enforcement on the Fort Totten Indian Reservation. According to statistics in this office \$5,096.86 for mileage and prisoner board while the entire population costs the county only \$1,338 for the same period which was July 1953 through May 1954. Furthermore, Fort Totten has a population of approximately 1,100 Indians, or about one-tenth the total population of Benson County. The white population of Benson County are very much in objection to this expenditure and justly so because of the lack of taxpayers among the Indian people. Since the Federal Government has placed the burden of law enforcement of the Indian reservation on the State of North Dakota, it has increased our budget tremendously and I feel that the Federal Government should repay this expense as incurred by the county or State until such time as the Indian people become employed and taxed enough to make their own way of life fit into our scheme of living. Idleness breeds discontent. We need local employment for our Indian people.

That was sent to Senator Langer prior to a meeting he was having with some committee that probably could help us out in this matter.

Chairman LANGER. Did Mr. Langer answer the wire?

Mr. CRANE. Yes, he did; a very nice letter, I thought.

Mr. CHUMBRIS. Are there any further questions?

Chairman LANGER. Call your next witness.

Mr. CHUMBRIS. Mike Jackson.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JACKSON. I swear.

TESTIMONY OF MICHAEL C. JACKSON, FORT TOTTEN, N. DAK.

Mr. CHUMBRIS. Will you please state your full name for the record.

Mr. JACKSON. Michael C. Jackson.

Mr. CHUMBRIS. Where do you live?

Mr. JACKSON. On the Sioux Reservation.

Mr. CHUMBRIS. And I understand that you were sent here as a spokesman for a delegation of the people at Fort Totten.

Mr. JACKSON. Yes, sir.

Mr. CHUMBRIS. Will you please state in your own words what you would like the subcommittee to hear?

Mr. JACKSON. I will. I want to make no complaints of either the State of the Federal, but as long as we are the ward Indians under the Indian Bureau, we need help.

In my mind the reservation today where it stands, we need some serious help this winter because there will be starvation on the reservation and I wish, whoever the party may be, to give us an appropriation or some kind of a project where the boys will have something to work on in winter, and eat.

There is one question that is brought out and that is police, law and order.

Third, we like to retain our agency and get our full staff back where the reservation of the Sioux and that reservation will do their business right close to home.

As one speaker mentioned here, our business always will be delayed, especially during the winter months in asking for a little relief or income.

We send in a request which delays 1 to 3 weeks and maybe a month or two, and the poor Indian will come and see if he has a return to that office, but returns home brokenhearted, on foot, too, most of the time, for a lousy \$5.

I will say at this time this reservation has no staff of any kind to govern our reservation. We have no council. I will explain myself.

I was on the council for about 22 years, but I retired on this reservation. So all we need in my district there, as a spokesman, is we need help with policing and some kind of a project for the Indians to work on this winter so they will eat, and retain our agency.

Furthermore, I will say last week, Thursday, in the county seat we had a little discussion there with one gentleman. I wouldn't know his name, but I think I recognize the gentleman sitting here, and he made up a question to select some spokesman at least 3 or 4.

But we have 4 divisions on our reservation, 4 districts. I called a meeting last Sunday where about 20 or more were present. I brought the whole question that was brought up before us.

There are a lot of oldtimers that might speak there and they said, "Keep us out of taxations. We want our agency back. This winter will be starvation. Most of us have no income. Call for some kind

of a project where we will work to get something to eat and make a call that we want our agency back to do our business right at home."

So this is all I could present for that district.

I wish the staff from Washington, D. C., and the Indian Bureau of the State or whoever will support us, will give us help to make a decent living on our reservation and make progress in the future.

Thank you.

Chairman LANGER. Thank you very much.

Call your next witness.

Mr. CHUMBRIS. Mr. Lee.

Chairman LANGER. You area men make note of the testimony.

Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEE. I do.

TESTIMONY OF CUHN H. LEE, SUPERINTENDENT, TURTLE MOUNTAIN CONSOLIDATED AGENCY, BELCOURT, N. DAK.

Mr. CHUMBRIS. Will you state your full name and address, please?

Mr. LEE. Cuhn H. Lee, Belcourt, N. Dak.

Mr. CHUMBRIS. And what is your official capacity in Belcourt?

Mr. LEE. I am a superintendent of the Consolidated Agency.

Mr. CHUMBRIS. How long have you been superintendent, Mr. Lee?

Mr. LEE. Since December of last year.

Mr. CHUMBRIS. Previous to that time, had you held an official position with the Indian service?

Mr. LEE. Yes, sir; I was reservation principal at Standing Rock Agency for 8 years.

Mr. CHUMBRIS. Have you had any previous experience in the Indian service before that?

Mr. LEE. Before that I was in the Army and was in the Cheyenne Agency at Crow Creek, S. Dak., and at Fort Totten, N. Dak.

Mr. CHUMBRIS. That gives you quite a background in Indian affairs.

Mr. LEE. I have been in the Indian service for approximately 15 years.

Mr. CHUMBRIS. Mr. Lee, we would like to have a report to the subcommittee of your various departments under your agency and you can proceed in any manner that you choose as to how you break that up.

Mr. LEE. Well, time is running out. I have a report over there that I would give to you that would cover the biggest part of this, if you would just as soon and, if there are any questions you care to ask me, you can dispense with the report if you care to.

Chairman LANGER. You may file the report with us.

Mr. LEE. All right, sir.

Chairman LANGER. You have it at the agency?

Mr. LEE. I have it here.

Chairman LANGER. Would you make that part of the record?

Mr. LEE. I will hand it to you as soon as I get through.

(The report referred to was marked "Exhibit No. 24," and reads as follows:)

TURTLE MOUNTAIN CONSOLIDATED AGENCY

The Turtle Mountain Consolidated Agency consists of the Turtle Mountain Reservation and the Devils Lake Sioux Reservation.

The Turtle Mountain Reservation consists of 36,236 acres of allotted land and 35,437 acres of tribal land for a total of 71,673 acres. In addition there is 333 acres of agency and school reserve.

The Devils Lake Reservation consists of 52,000 acres of allotted land, 40 acres of tribal land and 1,425 acres of submarginal land permitted to the tribe for a total of 53,465 acres. In addition there is 3,250 acres set aside for agency and school reserve.

The Turtle Mountain Band of Chippewa Indians has an enrollment of 8,900 living members of which 4,415 live in Rolette County. Of the 1,100 families living on the reservation 476 families are considered to be self-supporting. The others are dependent on public or general assistance for total or partial support. Many of the families work at off-reservation seasonal employment and return to the reservation without sufficient funds to see them through the winter.

The median income per Indian family engaged in agriculture is \$750 and from seasonal labor \$850, whereas the estimated annual average cash income of non-Indians on or adjacent to the reservation is \$2,500. The agency estimates that not more than 180 Indian families could support themselves on the reservation or vicinity on a basis comparable to the average non-Indian level.

The Fort Totten (Devils Lake) Reservation has an enrolled membership of 1,433 of which 1,259 live in Benson County, 66 live in Eddy County, and 108 have located elsewhere. Of the 264 families living on or adjacent to the reservation 30 are considered to be wholly self-supporting. The remainder find seasonal employment and are able to earn only partial support and therefore must depend on public or general assistance, especially during the winter months.

The median income per family from agriculture is \$700 and from other sources including wages is \$650. The estimated annual average cash family income of non-Indian families adjacent to the reservation is \$2,500.

The above population and income figures taken from the joint study of community services and taxes of Indians of 1953.

HEALTH PROGRAM

Turtle Mountain

The Turtle Mountain Hospital has a maximum bed capacity of 38, of which the use of 25 is authorized. The average number of patients in the hospital at one time, not including newborn infants, is 16. This represents 62 percent of the authorized capacity.

Outpatient clinics are held 4 days a week and emergency cases are seen at all times. There is an average of 37 outpatient visits daily.

Medical, minor surgical, obstetric, and pediatric care is provided by the agency physicians. Major emergency surgery is performed at the agency hospital by local physicians on a fee basis. Major elective surgery is performed primarily at the Pine Ridge Indian Hospital and the Tacoma Indian Hospital.

Tuberculosis care is furnished under areawide contract by the North Dakota State Tuberculosis Sanatorium.

There is no adequate provision for psychiatric care. The only facility open at present for inpatient psychiatric care is St. Elizabeths in Washington, D. C. Admission of patients to even this hospital is not regularly obtained and can be arranged only by special petition. There is no provision for the voluntary admission of patients to a psychiatric hospital.

Dental care is provided in a fully equipped agency dental office when the dental officer position is filled. The dental program is primarily directed toward care of school children. After a survey of the entire school population, the most urgent cases are treated first, after which all the children are cared for in a regularly scheduled program. A small amount of time is set aside for the emergency care of adults. No dentures are provided. During the first three quarters of fiscal year 1954 the agency dental officer's position was not filled. During that period patients with acute dental conditions were referred to local dentists with payment made by the Government on a fee basis.

Preventive services include yearly examination of school children, immunization of school children and infants, and education and demonstration of sanitary measures by a sanitarian aide.

There are 32 employees in the Turtle Mountain health program: 2 physicians, 1 dentist, 1 laboratory and X-ray technician, 1 sanitarian aide, 1 dental assistant, 1 director of nurses, 6 registered nurses, 2 practical nurses, 6 ward attendants, 2 laundry workers, 3 janitor-chauffeurs, 1 cook, 3 kitchen workers, and 2 clerks. The budget for the year is \$229,959.

Fort Totten

The health facilities at Fort Totten subagency consist of an outpatient health center staffed by 1 registered nurse, 1 practical nurse, 1 half-time clerk, and 1 janitor-chauffeur. Three outpatient clinics a week of 2 hours each are conducted by local physicians hired on a contract basis. These same contract physicians provide free emergency telephone consultation to the registered nurse. Emergency outpatient care is provided by physicians of the patient's choice with payment by the Government on a fee basis.

Hospital care is provided on a per diem rate contract basis by local hospitals of the patient's choice. Medical care for hospitalized patients is provided by local physicians of the patient's choice with payment by the Government on a fee basis. The fee schedule was agreed upon by the North Dakota State Medical Association and the Bureau of Indian Affairs.

There are approximately 20 patient visits daily to the health center. Approximately 35 patients are admitted to hospitals monthly and there is an average of 8 patients in the hospital on any one day.

Tuberculosis care is provided at the Sioux Sanatorium of the Bureau of Indian Affairs and under contract at the North Dakota State Tuberculosis Sanatorium.

Psychiatric care is provided as mentioned in the Turtle Mountain health program through the facilities of St. Elizabeths Hospital, Washington, D. C.

Emergency dental care is provided by referral to local dentist with payment by the Government on a fee basis. The school population of Fort Totten is included in the program of the Turtle Mountain Agency dentist.

School examinations and immunization of school children is provided by the physicians under contract to conduct outpatient clinics. The sanitarian aide spends part of his time at Fort Totten.

The budget for the year is \$74,672.

MEMORANDUM

TURTLE MOUNTAIN CONSOLIDATED AGENCY,

FORT TOTTEN SUBAGENCY,

Fort Totten, N. Dak., October 12, 1954.

To: Mr. K. H. Lee, superintendent

From: Fort Totten Clinic

Subject: Inpatient care (1952), Off reservation hospitalization (1953-54)
Outpatient clinic services (1952-54).

Month and year	Admissions	Hospital days	Individuals as out-patients	Month and year	Admissions	Hospital days	Individuals as out-patients
<i>1952</i>				<i>1952</i>			
January.....	53	430	290	August.....	28	256	225
February.....	39	324	275	September.....	25	207	291
March.....	59	386	253	October.....	27	202	259
April.....	26	265	189	November.....	34	239	286
May.....	32	188	212	December.....	26	283	284
June.....	25	179	224				
July.....	34	183	218	Total (1 year).....	408	13,143	3,006

¹ Fort Totten Hospital.

Off-reservation hospitalization

[Mercy Hospital, Devils Lake, N. Dak. (\$14.80 per diem rate); City Hospital, New Rockford, N. Dak. (\$13.10 per diem rate)]

Month and year	Admissions	Hospital days	Individuals seen, outpatient clinic	Month and year	Admissions	Hospital days	Individuals seen, outpatient clinic
1952—December	1	11	-----	1953—August	29	164	294
1953—January	10	58	385	September	26	136	344
February	14	119	274	October	29	138	259
March	21	150	394	November	25	130	248
April	25	144	345	December	22	125	252
May	20	136	233				
June	17	89	292	Total (1 year and 11 days) ..	262	¹ 1,487	² 3,598
July	24	87	278				

¹ Total cost for 1 year, approximately, \$22,007.60.

² 3,598 represents total individuals seen at our clinic as outpatients by lake region clinic doctor (Drs. G. W. Toomey, J. W. Fawcett, D. W. Fawcett, C. A. Corbett, L. F. Pine, and R. C. Fawcett).

[Mercy Hospital, Devils Lake (\$14.80 per diem rate); City Hospital, New Rockford (\$13.10 per diem rate); St. Alexis, Bismarek (\$13.86 per diem rate); Deaconess, Grand Forks (\$93.50 total, 1 patient 8 days)]

Month and year	Admissions	Hospital days	Cost	Outpatient Fort Totten Clinic
1954—January	21	153	\$2,278.70	270
February	27	217	¹ 3,215.20	287
March	51	343	¹ 4,908.51	269
April	38	203	¹ 3,000.50	323
May	26	114	¹ 1,709.50	289
June	29	195	¹ 2,935.78	281
July	33	183	¹ 3,148.00	247
August	33	226	¹ 3,359.40	303
September	21	126	² 1,856.30	252
Total (9 months or $\frac{3}{4}$ of 1 year)	279	1,760	26,411.89	³ 2,521

¹ Include isolation and outpatient hospital services.

² Mercy Hospital September statement has not been submitted to us for payment, total hospital days and total cost for September is estimated cost as nearly correct as possible.

³ Total outpatient services rendered at our Fort Totten Clinic.

PROCEDURES IN EFFECTING SCHOOL ATTENDANCE

First, enumeration.—During the summer months, designated teachers completely cover each section of land to determine the location of each residence and its occupants and to enumerate all children of school age. From this information, a map is made and a set of cards is prepared. A family file is then set up.

Second, home visitations.—Teachers, bus drivers, and other school officials visit all homes. Law-enforcement officials visit homes where resistance is met.

Third, printed information.—Letters, copies of agency newsletters, and other printed matter are distributed to parents.

Fourth, letters sent out.—Letters to county, State, public school, and Federal officials advising them of the whereabouts, economic status, and other personal information of the families and students are mailed out as needed.

Fifth, court actions.—In cases of noncompliance with the school attendance laws, the agency branch of law and order is notified and court action is taken. Some 60 such actions were taken during the school year, 1953-54.

In spite of all the effort put forth, a number of parents continue to take their children out of school for seasonal work, especially during the potato harvest season.

Regardless of what the parents claim, school officials do not give approval or sanction this keeping of children out of school. In fact, the parents are urged to make arrangements to leave their children with relatives or neighbors during the time it is necessary for them to participate in the seasonal work.

The Belcourt School officials have reported 44 families to the branch of law and order and requested that an investigation be made regarding attendance of school children and proceed with court action where necessary.

Curriculum

Both the Fort Totten Community High School and the Turtle Mountain Community High School are fully accredited by the State of North Dakota. Copies of programs are attached. Both schools are members of the State athletic association. They also participate in other State and county activities. The program at both Fort Totten and Belcourt community high schools includes all academic subjects that are required by the State of North Dakota for graduation. In addition, at Fort Totten vocational subjects in home economics and agriculture are offered to all students in grades 7 through 12. At the Turtle Mountain Community School, courses in home economics, shop, commercial, and arts and crafts are offered. In the various grade schools, the State course of study is followed. All schools on the Turtle Mountain Reservation are visited by the county superintendent of schools.

Teachers

In order to receive civil-service status, teachers in the Government schools must have degrees for both high school and grade positions. When enough such teachers cannot be secured, the Government will hire teachers with 2 or more years of college training on a temporary basis. At Fort Totten this year, there are three such teachers. In the Turtle Mountain Reservation schools, there are two such teachers employed this year. All of these teachers are in the elementary grades.

Extracurricular activities

All schools have monthly PTA or a similar form of community meeting. Religious instruction is available for children, outside of school time, once a week. The various schools have a weekly picture show. The Fort Totten School and the Turtle Mountain Community School have seven lyceum programs during the school year.

The Fort Totten School and the Turtle Mountain Community School both operate a regular sports program consisting of football, basketball, and track, or baseball. The smaller schools participate in sports as much as they can with the limited facilities they have. The various schoolrooms sponsor YCL programs.

The Turtle Mountain Community School has an active Boy Scout organization. During the summer months, the Turtle Mountain Community School operates a full-time recreation program. A swimming course under the guidance of a Red Cross swimming instructor is a part of this program. A number of other activities such as student councils, school papers, physical-education classes, driver-training courses, and student-operated stores are provided at various schools for student participation.

School boards

In the spring of 1954, 2 school boards were organized, 1 for Couture and 1 for Ingebreton townships. These school boards are now providing 3 teachers for the schools in these 2 townships. They will also provide certain school supplies.

Census of children of Turtle Mountain Agency of school age

Total number of children-----	2763
Number in all schools:	
Public schools-----	507
Federal schools:	
Day schools-----	843
Reservation boarding schools-----	55
Nonreservation boarding schools-----	247
Total in Federal schools-----	1,145
Mission schools:	
Day -----	382
Boarding-----	166
Total in mission schools-----	548
Special schools-----	5
Total number in schools-----	2,205
Number not in school:	
Married-----	18
Other reasons-----	55
Total number not in school-----	73
No information available-----	485
Total -----	2,763

Census of children of Fort Totten Subagency of school age

Total number of children-----	432
Number in all schools:	
Public schools-----	58
Federal schools:	
Day schools-----	119
Reservation boarding schools-----	23
Nonreservation boarding schools-----	7
Total in Federal schools-----	149
Mission schools:	
Day schools-----	144
Boarding schools-----	7
Total in mission schools-----	151
Special schools-----	6
Total number in schools-----	364
Number not in school:	
Married -----	8
Other reasons-----	12
Total number not in school-----	20
No information available-----	48
Total -----	432

Enrollment in Turtle Mountain Consolidated Agency schools, 1953-54

Grade	Turtle Mountain Community School	Fort Totten		Dunseith	Great Walker	Houle	Roussin
		Day	Boarding				
1st.....	68	22	9	37	9	24	20
2d.....	45	13	11	25	11	3	16
3d.....	34	13	7	20	6	6	7
4th.....	35	13	7	12	9	7	6
5th.....	44	12	5	27	8	10	7
6th.....	27	17	7	9	8	5	3
7th.....	51	14	4	13			
8th.....	62	14	8	13			
9th.....	49	13	9				
10th.....	41	7	4				
11th.....	29	5	11				
12th.....	15	7	3				
Total.....	500	150	85	156	51	55	59

235

Percent of attendance as reported on annual school report, May 1954

Turtle Mountain Community School (Belcourt) :	Percent
Indian	93.4
White	97.4
Great Walker Day School.....	96.24
Houle Day School.....	96.9
Roussin Day School.....	94.4
Dunseith Day School.....	95.3
Fort Totten Community School :	
Boarding	96.3
Day	85.2

Attendance figures for September 1954

	Enrollment	Average attendance
1. Turtle Mountain Community School (Belcourt).....	372	305
2. Houle Day School.....	47	46
3. Great Walker Day School.....	51	35
4. Roussin Day School.....	42	41
5. Dunseith Day School.....	126	92.5
Total.....	638	519.5
Fort Totten Community School:		
Day.....	111	89
Boarding.....	84	72
Total.....	195	161

Budget, schools—Turtle Mountain and Fort Totten

Turtle Mountain Reservation.....	\$292,912
Fort Totten.....	131,500
Total.....	424,412

Fort Totten Community School—high-school schedule

Time	Mrs. Anderson	Mr. Anderson	Mr. White	Mr. Singleton	Mr. La Roque
9 to 10.....	Home economics, 9th and 10th grade girls (10-2).	Agriculture, 9th and 10th grade boys (8-5).	English IV, 11th and 12th grades (13).	Mathematics, 8th grade (11)	Social studies, 7th grade (19).
10 to 11.....	do.....	do.....	English, 8th grade (11).	Mathematics, 7th grade (19)	American history, 11th and 12th grades (13).
11 to 12.....	Home economics, 7th and 8th grade girls (7-5).	Agriculture, 7th and 8th grade boys (12-6).	English, 9th grade (18).	Algebra, 10th grade (7).....	General business, 11th and 12th grades (13).
1 to 2.....	Home economics, 11th and 12th grade girls (1-3).	Agriculture, 11th and 12th grade boys (3-5).	English, 10th grade (7)	General mathematics, 9th grade (18).	Social studies, 8th grade (11);
2 to 3.....	do.....	do.....	English, 7th grade (19).	General science, 9th and 10th grades (25).	Study hall, 7th grade (19).
3 to 4.....	Activities.....	Activities.....	Activities.....	Activities.....	Activities.

NOTE.—9th and 10th grade biology given in alternate years. 11th and 12th grade P. O. D. given in alternate years.

Time	Room 21	Room 23	Room 24	Room 25	Room 26	Room 27	Vocations
9 to 10.....	Grade 10a, world history.	Grade 10b, world history.	Grades 11 and 12, cooperative marketing.	Grade 9a, English I.	Grades 11 and 12, stenography.	Grade 9b, general mathematics.	Grades 11 and 12, 8 pupils.
10 to 11.....	Grade 12, American problems.	Grade 11, English III.	Grade 10b, biology.	Grade 10a, English II.	Grade 11, typing I.	Elementary algebra.....	9 pupils.
11 to 12.....	Grade 11, American history.	Student council.....	Grade 10a, biology..	Grade 10b, English II.	Grade 12, typing II.	Plane geometry.....	Do.
Lunch period and physical education							
1 to 2.....	Grade 9b, citizenship.	Grade 12, English IV.	General science.....	Grade 11, English III.	Grade 11, Typing I.	Grade 9a, general mathematics.	10 pupils.
2 to 3.....	Grade 9a, citizenship.	School paper.....	Grades 11 and 12, chemistry.	Grade 9b, English I.	Grades 11 and 12, bookkeeping.	Athletics.....	Do.

BUREAU OF INDIAN AFFAIRS, TURTLE MOUNTAIN CONSOLIDATED AGENCY

WELFARE DIVISION SERVICES

General assistance is that part of welfare assistance that is complementary to the four welfare programs administered by the Federal, State, and county governments. Aid to dependent children, old-age assistance, aid to needy blind, and aid to permanently and totally disabled.

General assistance is provided to those people throughout the year who are not old enough to qualify for old-age assistance, usually 60 to 65 years of age; for dependent children either awaiting approval of ADC or only dependent for a short period of time—3 months or less; for needy blind or remedial cases awaiting approval; for incapacitated persons who are not able to work at manual labor and are unable to obtain light work or to be retrained through vocational rehabilitation owing to low educational level.

Emergency assistance

During the winter months there is an extension of the general assistance program for the temporarily unemployed who have not qualified for unemployment-compensation benefits. These cases are known as the emergency-period cases. During the year there are a number of cases that are temporarily incapacitated for medical reasons which are also emergency-assistance cases.

Therefore, the general-assistance cases are divided into two groups—regular cases and emergency cases. The regular cases average in number 40 cases a month. The emergency cases range from 325 to 400 cases a month during the winter period and approximately 40 during the other months of the year.

The average grant for regular cases is \$45 per month.

The average grant for supplementary cases is \$41 per month.

The aid-to-dependent-children program and other categorical programs are carried by the Rolette County Board of Public Welfare. Child-welfare services are also carried by the county. The unmarried-mother cases are a part of the child-welfare services. We participate in these cases by having the child welfare service of the county notify us in writing whenever an unmarried mother has applied for assistance, and we, in turn, notify the law-and-order division, which division prepares the case for hearing before the tribal judge. So far this year we have had two unmarried cases referred by the child welfare service of the Rolette Board of Public Welfare.

The amounts expended for welfare at this agency, Turtle Mountain Consolidated, during the past years is as follows:

1952, \$78,506.27; 1953, \$92,887.41; 1954, \$118,110.

COMMUNITY ORGANIZATION

There is a direct relationship between the extent to which community organization is satisfactorily established and delinquency, both juvenile and adult.

In a well-organized family group this type of organization may be established within the family with little outside assistance, but this is the exception. On both reservations there is a definite need for more effective community organization.

This organization of the community begins with housing. Present housing is totally inadequate to provide healthy surroundings in which to bring up a family. There is overcrowded sleeping arrangements, lack of sanitary facility—where does a teen-age girl take a bath in a 1- or 2-room cabin with a group of 5 or 6 children and parents around. In the summer it might be possible with everyone out of doors, but in the wintertime it is impossible. What opportunity is there for the provision of constructive occupation of time in the long winter evenings in the small living quarters. In a town or village there is usually at least a small picture theater; we do have the school films once a week, on school film night. Organized activities provided by the community are lacking. Some provision is made by the school and churches, but these are far from enough.

There is a steady and continuous growth of the young population. Most of the children are leaving school at grade-school age and, therefore, are not equipped to procure anything but common labor. There is a great need for occupational training. The number of teen-age boys and girls to be seen all summer around the cabins is growing each year. A census of the children not in school over 16 years of age would disclose the growing need for special attention to their requirements.

LAW AND ORDER

Appropriation

The total budget for law and order for the year is \$8,000, of which \$6,409 is paid for salaries of the 2 officers. The fixed charges of the law and order branch amount to \$1,040. This leaves \$560 for the boarding of prisoners at the Rolette County jail. Expenses for the board of prisoners has been inadequate, so inadequate that the sentence fits the budget, rather than the sentence fitting the crime.

The sheriff, Mr. Johnson, has been paid \$2 a day per prisoner and recently has been good enough to sign a contract for \$1.75 per prisoner.

Indian court since January 1954

Arrested since January 1954, as of today, persons-----	205
Civil cases tried and disposed of-----	13
Juvenile cases from intoxication, reckless driving, assault and battery, illicit cohabitation, and breaking and entering-----	10
School cases processed through court since January 1954-----	43
Recently new attendance reports have been received and complaints have been filed and warrants are pending, new cases-----	44
New attendance reports have been received from the St. Ann's Mission and warrant and complaints are pending, new cases-----	19

The larger share of these people have been reported to be in the potato fields.

Contributing to the delinquency of a minor-----	3
Illicit cohabitation cases tried and convicted-----	7
Illicit cohabitation cases referred to the county attorney-----	2

Cooperation with the county sheriff, his deputy, the patrolman, and county attorney has been excellent. In fact, most of the officers have been cooperative, and until these jurisdiction problems are settled, the officers are going to continue to be in doubt at times.

Federal court since January 1954

Rape cases-----	5
Larceny-----	2
Juvenile delinquency-----	1
Taking anything of value by force-----	2
Arson-----	3

SUMMARY, TURTLE MOUNTAIN

Fiscal year 1952

Three families, totaling 22 persons, relocated. One family, totaling seven persons, returned from this group in the fiscal year 1954.

Three family heads were sent out and all returned. One of these family heads is living in Rugby, N. Dak., with his family, where he is presently employed.

Three singles were sent out and all returned. One out of this group is now married and relocated for the second time to Los Angeles, where he is now making his home.

Fiscal year 1953

Eleven families, totaling 46 persons, relocated. Five families totaling 19 persons, from this group returned. Out of the returnee group 1 family, totaling 4 persons, is living off the reservation, whereabouts unknown, and 1 family of 3 is living in Williston, N. Dak.

One family head relocated and returned.

Five singles were sent out and all returned.

Fiscal year 1954

Twenty families, totaling 94 persons, were relocated. Ten families, totaling 44 persons, out of this group returned.

Three family heads were sent out and all returned.

Seventeen singles were sent out and 10 returned. Out of the 10 returnees, 1 is now employed in Montana, and 2 enlisted in the United States Army.

Fiscal year 1955

Two families, totaling seven persons, were sent out. None returned.

Funds expended for relocations as follows:

Fiscal year :	
1952-----	\$1, 296. 84
1953-----	2, 938. 76
1954-----	9, 791. 61
1955-----	842. 00
Total-----	14, 869. 21

SUMMARY, FORT TOTTEN

Fiscal year 1952

One family, totaling four persons, sent out and returned. Two singles sent out and both returned.

Three family heads sent out and all returned.

Fiscal year 1953

Seven families, totaling thirty-five persons, sent out. Six families, totaling thirty-one persons, out of this group returned.

One single sent out and returned.

One family head sent out and returned.

Fiscal year 1954

Nine families sent out, totaling thirty-six persons. Six families, totaling twenty-three persons, out of this group returned.

Two singles sent out. One single returned.

Two family heads sent out and both returned.

Funds expended for relocations as follows:

Fiscal year :	
1952-----	\$1, 769. 00
1953-----	1, 251. 58
1954-----	2, 779. 21
Total-----	5, 799. 79

Chairman LANGER. Mr. Hart, do you have any questions?

Mr. HART. Yes, sir.

You heard Mr. Jorgenson testify this morning regarding illegitimacy, et cetera, on the Turtle Mountain Reservation.

Mr. LEE. I did.

Mr. HART. From your observation since you have been here would you say that that report is roughly correct?

Mr. LEE. Well, I would have to say it was very roughly correct, Mr. Hart, because I would want to check our figures before I would make a positive statement.

Mr. HART. Were there any glaring examples of inaccuracies there, from your observation?

Mr. LEE. On illegitimacy. I don't believe so.

Mr. HART. Who is the commander of the police force on the reservation, Mr. Lee?

Mr. LEE. We have two chiefs of police out there, and their duties are more or less the same.

Mr. HART. You say there are two chiefs of police?

Mr. LEE. Yes. There is 1 supposedly set up for one-half of the reservation, and 1 for the other half. That is the way the position description is written.

Mr. HART. Neither one is superior to the other in the position?

Mr. LEE. Technically, no.

Mr. HART. Who is the commander of the reservation police on the Turtle Mountain Indian Reservation?

Mr. LEE. If there is such a thing as a commander, I presume that I am.

Mr. HART. Do the regulations, specifically 161.301, of title 25 of the Federal Code of Regulations, provide for a commander of the Indian police force on the reservation?

Mr. LEE. I am sorry, Mr. Hart, but I don't know my regulations well enough to answer that question.

Mr. HART. I will read to you 161.301 of title 25 of the Code of Federal Regulations:

The superintendent of each reservation shall be recognized as commander of the Indian police force and will be held responsible for the general efficiency and conduct of the members thereof.

In the interpretation of that, would you say that that gives you the responsibility to see that they function properly in the enforcement of law on the reservation?

Mr. LEE. Insofar as they are able to and under the rules and regulations that they have to function under.

Mr. HART. In your opinion is law and order reasonably well supervised out at the Turtle Mountain Indian Reservation?

Mr. LEE. Insofar as they are able to do so; yes, sir.

Mr. HART. You say insofar as they are able to do so. Would you please explain what you mean by "Insofar as they are able to do so"?

Mr. LEE. These things that I am going to give you, Mr. Hart, are going to have to be approximate, but we have the exact figures and we will give them to you.

Since the first of the year we have made over 200 arrests. We have taken in and prosecuted for the various crimes that have been committed on the reservation that many people.

They fall into various categories from illicit cohabitation, drunkenness, disturbing the peace, and so on.

Mr. HART. Do you know whether or not your tribal court has sufficient money to properly operate?

Mr. LEE. Let me put it this way: Let me answer you this way—we are working so that instead of the penalty for the crime fitting the crime, the penalty for the crime fits the budget.

To make my statement a little more clear, when Judge Marion has a case under consideration and he decides that the fellow should have 30 days, he perhaps has to give him 1 day because we don't have the money to carry him for the full 30 days.

It costs us \$1.75 per day. It used to cost us \$2. Through the good graces of Mr. Johnson, he has cut it a quarter and we appreciate that.

Mr. HART. Would it assist the operation of your tribal court if you had a jail on the reservation?

Mr. LEE. In talking with the law and order people, yes; they feel that they could do much better if we had one because then they could sentence them to labor out there if they can't pay a fine and they could work it out in that way. That is the opinion of the judge and some of the other members.

Mr. HART. Have you requested more money for your law and order divisions from the area director?

Mr. LEE. We submit our request when they make the preparation of the budget. We ask for so much money.

Since we have been given our money we have informed them that according to our figures it will not do the job that we feel should be done out there, but there is only so much money and that is all we can have.

Mr. HART. Would you say, then, that an area director is responsible to see that you get sufficient money for the operation of your police force and your tribal court?

Mr. LEE. I can't answer for the area director, Mr. Hart.

Mr. HART. Would you tell me who, in your opinion, is responsible for seeing that you get sufficient money for the operation of your court system?

Chairman LANGER. I can answer that for you. It is Congress.

Mr. LEE. Thank you, Senator.

Chairman LANGER. I invited Senator Young here. He is on the Appropriations Committee. These area men go in there and make the showing before the Appropriations Committee and you cannot expect them to do a lot of things for these people if they do not have the money. They have not had an increase in help at Aberdeen since oil was discovered. They are asked to find a lot of heirs and work a lot of titles, and they haven't the money.

One thing this investigation has shown is that these people need more money, Mr. Hart.

Mr. HART. I am in complete agreement with you.

There is one thing that bothers me. Of the other two reservations in the State there has been no complaint. They said they have never had to cut a sentence, because they have money to keep the prisoners.

Chairman LANGER. They have a jail at Fort Yates such as it is. They had 30 or 40 people in there when we were there.

Mr. HART. On this reservation we find money is deterring justice.

Mr. LEE. Fort Yates has a tribal council having money that is contributing enough.

We have one man in the land office. Thank God he has been there for 25 years and knows a lot about it.

As a typical example, I went there to dig up the record. It took me 4 hours to try to find something. Mr. Maxwell can go in. You will ask a few questions and he can answer from the knowledge that he has.

So we don't have the money and we don't have the help from the tribal council because they don't have it either at Belcourt, or at Fort Totten.

We have one employee in administration at Fort Totten.

Mr. HART. As to Fort Totten where there is allegedly no law enforcement at the present time, can you inform the subcommittee as to what plans are currently being made to take care of that situation down there?

Mr. LEE. I have advised the area office of the Attorney General's opinion and that is all that I can tell you at the present time, as I have had no information from them.

Perhaps Mr. Holmes has later information than I have. I just received the official notification Monday, on the Attorney General's opinion, and I shot it into the mail.

You advised me prior to that time that this was coming out, but I didn't have the opinion until that time.

Mr. HART. Will you advise the subcommittee as to whether or not you have sufficient money committed now to take care of the anticipated welfare needs for this coming winter?

Mr. LEE. I don't believe I could answer that, because that would be dependent upon the type of winter that we have, as you well know, living in North Dakota.

Mr. HART. Recognizing that there can be a change in weather conditions, do you now have sufficient money, you believe, to carry through the winter at both Fort Totten and Turtle Mountain?

Mr. LEE. I believe so, but we must recognize that this last year has been a year that has been hard for these people to get out and find the seasonal employment that normally they get. It was a late spring, so they were held off, the people that work on the railroads.

All of these things piling up, I believe we can.

Mr. HART. You are somewhat concerned about the situation; is that correct?

Mr. LEE. If we would have a tough winter it could be bad.

Now, if these people can find work, for example, the people on the railroad can work until the middle of January. That would make a lot of difference, but if they should suddenly be laid off in the middle of November, that is going to make a difference.

Mr. HART. That is all, Senator Langer.

Mr. MILLS. Mr. Lee, I have a particular interest in law and order because the minor crimes that are committed on the reservation lead to more major crimes which directly come into our office.

Now, it appears that there is a combination of differences. I don't know where to pin it. It is either personnel, which means some of us are not doing our job right, or it is policy, which means that we are operating on the wrong basis, or it is legislative, where I presume the Senator and his colleagues are not doing their jobs.

We have to find out what it is. We have a crime situation which does appear to be quite serious. In comparison to the other reservations it is very serious.

As superintendent of the police I am interested in knowing whether you have apprized your superiors adequately of what is going on and I would like you to state what you have done, how much investigation you have made on the situation, for example, at Fort Totten that presents itself to us right now.

How strong have you made that and how strong have you made your recommendations for additional money so that these people are not given a 2-day sentence when they should get a 6-month sentence.

Mr. LEE. I have written a letter advising them of the fact.

As I say, I have just received the Attorney General's opinion on the fact that we have no law and order at Fort Totten. I have advised them of that fact.

I have asked what we in turn should do here.

Mr. MILLS. Well, now, let's take something that has very much to do with juvenile delinquency, the desertion by parents. I believe we have 23 cases here called to our attention by the welfare board of cases of desertion.

In most of those they indicate that they have advised either yourself or the person who was in office there before you.

Now, desertion has much to do with the home situation and nonsupport is a crime. What has been done to attempt to get those people that are guilty of desertion?

Mr. LEE. If we have been notified a warrant has been sworn out for the arrest of these people that are the deserters and if and when the deserter appears back on the reservation within our jurisdiction he will be picked up and taken into court, and from there on the judge will handle the matter.

Mr. MILLS. Another thing that seems to have been prevalent is that they wait for notification.

Now, your police force is not supposed, as I understand it, to sit back and wait until somebody comes in and complains. It is supposed to be on the job and ascertain what is going on.

Mr. LEE. Mr. Mills, there are 4,500 people, approximately——

Mr. MILLS. Yes, sir.

Mr. LEE. On the Turtle Mountain Reservation. We have two police officers to cover that entire group.

I think that you would go into a comparable situation anywhere else and you would find considerably more law enforcement from the standpoint of personnel than that.

Mr. MILLS. I understand one of those policemen doesn't have a car.

Mr. LEE. We managed to fix the car up and it will hold together for a while. Thank God we have a good mechanic.

Mr. MILLS. They both have cars?

Mr. LEE. Yes, sir.

Mr. MILLS. Have you made the seriousness of the situation known to your superiors so that it can be incorporated in the budget?

Mr. LEE. To the best of my ability.

Mr. MILLS. In what manner did you make it known to them?

Mr. LEE. Through correspondence, and I have talked to them also when I was there, but we have written them and advised them of these facts and every time the opportunity presents itself they have been told.

But I don't think it is a question of my superiors not knowing of the situation. I think the Senator put his finger on it a little while ago.

The Congress is responsible for giving us the money and if they don't give us the money and the Bureau of the Budget, if they set up certain limitations that we can only have so much money, then if money is the factor, that is all we can do.

Mr. MILLS. Has Congress been advised of the situation without the necessity of hearings like this?

Mr. LEE. That I can't answer because all I do is advise my superiors in the area office.

Mr. MILLS. Have you negotiated anything in regard to this insanity and feeble-minded question with the State? What is the situation there, briefly?

Mr. LEE. That I can't answer as that is handled between the area office and the State board administration.

Mr. MILLS. Whom could you name that could be present at our hearing tomorrow that could answer those questions?

When you send it on through channels, who would handle that?

Mr. LEE. May I ask Mr. Landbloom a question?

Mr. MILLS. Yes.

Mr. LEE. Mr. Landbloom, who is handling that now?

Mr. LANDBLOOM. I think Mr. Holmes might make some comments tomorrow. I don't know that he would have the final decision. That is with the area director.

Mr. LEE. Does that answer your question?

Mr. MILLS. Have you taken any action to appoint a judge?

Mr. LEE. No, sir; I am waiting.

Mr. MILLS. Do you know if under the regulation you are able to without waiting for a clearance from Aberdeen and up the line?

Mr. LEE. According to the code which I have been looking at, it has to clear through that office.

Mr. MILLS. How long do you anticipate it will take to clear through that office?

Mr. LEE. Maybe I can ask Mr. Holmes.

Mr. MILLS. Do you know, Mr. Holmes, how long it will take to clear the appointment of a tribal judge in your office?

Mr. HOLMES. After the determination is made that the judge is to be appointed and the judge is located, I don't think it will take very long.

Mr. MILLS. Knowing that he has sent in his request, would you state how long it would be before a judge is operating in Fort Totten?

Mr. HOLMES. As Mr. Lee said, I just got the information today and I don't know what is involved yet, and I don't know how long it will take us to find a judge, if a request is made that a judge be appointed.

Mr. MILLS. Do you have anything you are going to do in the meantime to keep law and order on the reservation?

Mr. LEE. I don't know that there is anything we can do. There is our attorney.

Mr. HOLMES. I might add, Mr. Mills, that I am certain that the matter will be handled with all dispatch and action will be taken of some kind. It will have to be by the area director, but I can assure you that that matter will be called to his attention as soon as I get back to the Aberdeen office and it will be handled as soon as possible.

Mr. LEE. You understand, Mr. Mills, that we are governed by rules and regulations that I must adhere to and all the rest of us must adhere to, and we have to go along that pattern and procedure in order to do this.

Mr. MILLS. That is the point I was bringing up. I don't think it is a problem of personnel. I haven't found anybody working for the Bureau where I have not had the feeling that they are attempting to do their job.

Maybe it is a matter of policy. Maybe something like that shouldn't occur where you have to go through channels so far on a matter of immediate importance such as this.

Mr. LEE. That could be.

Chairman LANGER. Are there any other questions?

Mr. MILLS. No further questions.

Mr. HART. Mr. Lee, you tell the committee that it is the fault of Congress that the tribal judge here cannot give a man a sentence he knows he should have because of the lack of money.

You tell us that that is the fault of Congress?

Mr. LEE. Well, is our credit any good in Rolla, in the Rolette County jail?

Mr. HART. I would suggest you talk to the jailer about that. I don't know.

Mr. LEE. If your credit isn't any good then naturally it is going to be limited to the amount of money we have to spend for those purposes.

Mr. HART. Would this also be the fault of Congress? I know that for the fiscal year ending June 30, 1954, that per capita the Fort Berthold Reservation received nearly \$2 per capita for law enforcement; that is where they have a wealthy tribe with much tribal money and this \$1.80 comes from congressional funds.

I think that at Standing Rock where they have tribal money the Congress appropriated money and there is allotted there \$1.65 per capita for law enforcement, whereas at the reservation where you are responsible Government money appropriated is only 68 cents per capita.

That covers Turtle Mountain and Fort Totten.

Is this discrepancy giving the poor reservation the smallest amount of money and the richest reservation the greatest amount of money also the fault of Congress?

Mr. LEE. I wouldn't say so.

Mr. MILLS. Would you know where that difficulty, or discrimination, would lie?

Mr. LEE. We have an area office that makes the allocation of funds out here. Whether they in turn are advised from Washington as to how much to allocate to each place, I couldn't tell you.

Mr. CHUMRIS. I think Mr. Holmes can answer that question.

Mr. HOLMES. I think some of these funds that are appropriated by Congress do belong to the Indians. There are certain trust funds that are on deposit that are appropriated by Congress. They are not tax money.

You will find often times that one reservation will seem to have a larger appropriation, when actually it may have come from tribal funds which are being held in trust and are appropriated by Congress for tribal use.

Chairman LANGER. That is right.

Mr. HART. The statement I have here says appropriated funds. That is presumably Government funds. It does not say tribal funds.

Mr. LEE. They can appropriate the tribal funds, taking them from the tribal fund and appropriate them for their use. I can't answer your question, Mr. Hart.

Mr. MILLS. I had one other question. It is just short.

Do you have any type of training equipment for training mechanics or lathes or any physical equipment which would permit the people here to learn something besides agriculture?

Mr. LEE. We don't at the present time.

Mr. MILLS. Have you made any request for such an appropriation?

Mr. LEE. I have a letter of recommendation into the area office and the area office turned it over to the commissioner and I talked to the commissioner at Elbowoods and we discussed that possibility knowing that we have these people who must leave here in order to obtain employment and the commissioner thought very highly of it and asked that I write it up, and I have, that during the wintertime at least when they are off from the seasonal employment and a lot of them are on relief, if we set up a school for them so that they can learn some of the basic fundamentals so that they will at least know a saw and a hammer, when they go out they can probably get a job as apprentices rather than as a common laborer and if they have a few skills that

will enable them to develop a little faster and perhaps be more sure of steady employment.

Mr. MILLS. Is there any reluctance to send recommendations up the line?

For example, you heard the testimony of the teacher they have that she had indicated she desired something besides agriculture to be taught at Fort Totten. I was wondering if there is any policy that would prevent people from making recommendations.

Mr. LEE. None that I know of.

Mr. MILLS. Would you be subject to criticism if you sent in a request for a pretty extensive budget?

Mr. LEE. Well, we would probably be laughed at and they would say, "Where do you suppose this is coming from," but outside of that if we could justify that and show that it would meet a need that we felt was here, they would give it consideration.

I am positive of that.

Mr. MILLS. No further questions.

Chairman LANGER. Thank you very much.

Mr. LEE. Could I make one more statement, Senator?

Chairman LANGER. Take all the time you want.

Mr. LEE. There is only one thing that I would wish to say for the people at Fort Totten and Belcourt. They do have a small land base. It is impossible for all the people here to make a living and the only way we can do that is through education, and then after they have become educated, to help them become established.

We are trying to keep these youngsters in school and I just wish to point out one thing: that we do have these people in the potato fields. They are trying to make a living.

We are catching hell from both ends because we say get out and do it, and then we say keep your kids in school.

At the present time we have, I think, 44 warrants waiting for these people when they come back because their kids aren't in school.

As soon as they appear we will have to bring them in.

If they have had their youngsters in school and can prove it, the case will be dismissed.

If not, they will have to appear before the judge.

A lot of them left their families here with relatives, recognizing that they need to go to school.

Some of them don't have that opportunity and had to take the youngsters with them.

As I say, they are getting bit at both ends.

Chairman LANGER. Mr. Lee, let me tell you this: You have the largest population and the least amount of land.

Mr. LEE. That is right, sir.

Chairman LANGER. Your Navahos have 15 million acres of land. You have one of the toughest jobs in the entire United States of America, being superintendent of this reservation, in my opinion.

Mr. LEE. I think we realize it, too, sir.

Chairman LANGER. Does this young lady want to testify?

Mrs. ERSKINE. I don't have any opinion. I was just sitting there listening.

STATEMENT OF MRS. SYLVETTA ERSKINE, ROLLA, N. DAK.

Mr. HART. What do you do? What is your work?

Mrs. ERSKINE. I work for Mr. Jorgenson in the office at Rolla.

Mr. HART. Did you help to prepare the statistics that he presented this morning?

Mrs. ERSKINE. No; I didn't.

Mr. HART. Did you do any work?

Mrs. ERSKINE. I suppose in months past perhaps I have.

Mr. HART. That is all the questions I have.

Mr. MILLS. How long have you lived on the reservation?

Mrs. ERSKINE. I don't live on the reservation.

Mr. MILLS. How long have you lived in this area?

Mrs. ERSKINE. I was born down south of here, down near Minot. I am not of Indian descent. I know I look like it, but I am not.

Mr. MILLS. You have seen this situation for a long time?

Mrs. ERSKINE. I wasn't aware of it until I started working in the office.

Mr. MILLS. You did become aware of it when you started working up here?

Mrs. ERSKINE. Yes.

Mr. MILLS. I believe, Senator, familiarity with this area is not enough.

Mr. CHUMBRIS. The Senator wants your impression.

Mrs. ERSKINE. I think that area is terrible. Like they said, it is a slum area, and something should be done so that they can find employment and improve their standard of living.

Mr. CHUMBRIS. Are you satisfied with the living conditions as they are at the reservation?

Mrs. ERSKINE. I don't think anybody out there is.

Mr. CHUMBRIS. As an ordinary member of the public, are you satisfied with the living conditions that the Indians live in, their schooling, their employment, their ability to get employment, the amount of income per family per year? As an American citizen, do you think that their conditions are satisfactory?

Mrs. ERSKINE. No.

Mr. CHUMBRIS. And if you had something to do about it, would you take effective action within your power?

Mrs. ERSKINE. Yes; I think I would.

Mr. CHUMBRIS. As a lady citizen of this community, what would you do if you had within your power, money, personnel? What action would you take?

Mrs. ERSKINE. Well, I think in the schools for one thing they should teach more commercial courses, something that they can leave here and use.

Mr. CHUMBRIS. What would you say about the recreational facilities? Do you think they have enough recreational facilities on or off the reservation?

Mrs. ERSKINE. Neither. There is nothing to do in Rolla.

Mr. CHUMBRIS. Do you live here in Rolla?

Mrs. ERSKINE. Yes; I do.

Mr. CHUMBRIS. How long have you lived in this area?

Mrs. ERSKINE. I was in California and in Washington during the war years, and I have been here since about 1949.

Chairman LANGER. I take it you attend various social events?

Mrs. ERSKINE. Yes.

Chairman LANGER. What is your impression of it all? Do they have law and order?

Mrs. ERSKINE. I would say they don't.

Chairman LANGER. You say they do not.

Mrs. ERSKINE. To the best of their ability, they do, but it is a lack of funds.

Chairman LANGER. It goes right back to that in your opinion?

Mrs. ERSKINE. It is only hearsay. I heard somebody else say it today, but they said they requested \$5,000 for law enforcement out there and they got \$300. You can't do very much on \$300 when you have 4,500 people.

Chairman LANGER. Mr. Hart, you have lived here a long time. You ought to be able to interrogate this witness and find out so that we can show this to the Attorney General and the Department of the Interior just what a person with the fine intelligence that this lady has, and you can see she is an educated person and has had a lot of experience, and get a typical illustration of what the people of this county think of this situation.

Mr. HART. Sylvetta, you have been involved here and have watched and heard many comments in this field of Indian affairs for a long time; have you not?

Mrs. ERSKINE. Yes.

Mr. HART. What do you think of this relocation program, getting Indian people to go to other places to work?

Mrs. ERSKINE. I don't think it will work when they send them to Chicago and places like that. A lot of them aren't actually willing to go, but there is a job and they go. A lot of them don't stay. We were discussing in the office the other day these people who have been rehabilitated and have come back to the reservation.

Mr. HART. Do you believe that securing employment for the Indian people is one of the things that will help solve the problem?

Mrs. ERSKINE. Definitely.

Mr. HART. Do you believe that the jewel bearing plant is on the right road, so to speak?

Mrs. ERSKINE. Yes.

Mr. HART. Do you believe there should be more industries located on the outside or periphery of the reservation as part of the solution?

Mrs. ERSKINE. I think so. They gave them the jewel plant and they have utilized it. It is mostly Indian labor out there.

Mr. HART. Have you heard people discuss the matter of the Indian people that went to work at Garrison Dam?

Mrs. ERSKINE. I wasn't listening; I was thinking.

Mr. HART. Have you heard people discuss the project where so many of the people from this reservation went to Garrison Dam to work?

Mrs. ERSKINE. What do you mean?

Mr. HART. Have you heard it discussed, like talk to Garmann and Garmann to you, about the idea of going to Garrison Dam and working? Do you think that is a good idea?

Mrs. ERSKINE. If it hadn't been for the Garrison Dam, there would have been more welfare problems.

Mr. HART. Getting back to this subject of law and order, do you have any concrete suggestion as to what you believe should be done in this area of law and order? I will give you some suggestions that perhaps you can pick out of. One is increase the appropriations to the Bureau of Indian Affairs so they can get lots of policemen out there. Two, transfer it to the State without reimbursement to the State or county. Three, transfer it with reimbursement. I am trying to give you an idea of the thinking now.

Do you have any idea of what Congress should do to alleviate this situation?

Mrs. ERSKINE. I was interested in Mr. Christianson's testimony.

Mr. HART. Have you visited homes on the reservation?

Mrs. ERSKINE. I have been in some; yes.

Mr. HART. Would you tell the committee how the homes are, whether the women are working, what furniture they have, how they look, how they take care of their children, the bedding, the mattresses?

Mrs. ERSKINE. Most of them have 1 or 2 beds, and they are old iron bedsteads, and a table and a couple of chairs. Maybe they don't have chairs. They have a bench. I don't think there are many radios in the homes. They can't afford to buy batteries and there is no electricity. As far as reading material, I don't think there is anything like that. There is nothing for them. They are just stagnant.

Mr. HART. There is a lack of recreational facilities as well as economic facilities out there?

Mrs. ERSKINE. Yes.

Mr. HART. Do they have wells around these homes or do they have to carry their water or do they have waterworks?

Mrs. ERSKINE. Well, there is no running water. You run after it with a pail.

Mr. HART. The only water you have you run after with a pail; is that right?

Mrs. ERSKINE. Yes.

Mr. HART. How far do they have to go in order to get that water?

Mrs. ERSKINE. I really don't know.

Mr. HART. Tell us when you have been to a home between Belcourt and Rolla that you can think of right now.

Mrs. ERSKINE. No, really the only homes I have been in is when I have gone with Mrs. La Fromboise on case work.

Mr. HART. Do you remember the last home on the reservation that you were in?

Mrs. ERSKINE. That was a long time ago.

Mr. HART. How much is the furniture worth in the average home out there, in your opinion?

Mrs. ERSKINE. I heard you say a figure of \$50 and I would say that was it.

Mr. HART. What would you say the value of the clothing for the mother and the children and the family would be on the market at an auction sale?

Mrs. ERSKINE. It wouldn't be worth anything. I mean, to them it is, but it wouldn't be to somebody else.

Mr. HART. Would you say that a valuation of \$10 would cover the total valuation of clothes of the average home you have been in out on the reservation?

Mrs. ERSKINE. Well, I didn't see clothes in the home. I observed them when they come to the office, and most of them are very poorly dressed.

Mr. HART. How about the food in the home. Would you say on an average that \$5 would cover the value of the food in the average home on the reservation?

Mrs. ERSKINE. I suppose.

Mr. HART. Do you think it would be less than that, perhaps?

Mrs. ERSKINE. You are asking me questions that I really don't know anything about.

Mr. HART. I realize that. When you are in the office do women come in and discuss with you welfare problems, that they want money to help them out?

Mrs. ERSKINE. Yes, that is what they come for.

Mr. HART. What do they tell you? Give us a typical conversation that you have had.

Mrs. ERSKINE. Well, usually they have been to the agency and they won't give them anything there. Then they come in and we tell them to go out again.

Mr. HART. In other words, they are bouncing back and forth between the agencies to try to get good welfare; is that correct?

Mrs. ERSKINE. In many cases it is.

Mr. HART. What is the problem they tell you they have as to how much money they need? Do they need that to take care of the children, to buy gas for the car, or for a sick husband?

Mrs. ERSKINE. Most of them are hungry and haven't any food, and by the time they get the payroll at the agency it is perhaps a month late.

Mr. HART. Do they ever discuss with you that they don't even have money to put gasoline in a car to go out to the agency?

Mrs. ERSKINE. Yes; a lot of them hitchhike.

Mr. HART. They hitchhike between welfare agencies trying to get some food?

Mrs. ERSKINE. Yes.

Mr. HART. What is the greatest complaint that you hear from the Indian people on that subject?

Mrs. ERSKINE. Mr. Place sent them in here, and we tell them that we can't help them. Any general assistance they have to get at an agency. They have been out there, and we can't help them. And they figure they are being henpecked, but what are you going to do?

Mr. HART. In your conversations have any of the women told you that their children need glasses?

Mrs. ERSKINE. Yes.

Mr. HART. Have you heard that very often?

Mrs. ERSKINE. Well, for a long time there we had no funds. I attended a salvation meeting, and it has only been recently, to give them glasses. They have had to go without.

Mr. HART. How about false teeth. Did that question come up for the older people?

Mrs. ERSKINE. Yes; they can get false teeth out at the agency if they can pay for the materials, and that costs about \$40, I understand, for dentures, and they don't have the \$40, so they go without teeth.

Mr. HART. They can get the false teeth at the agency if they have money?

Mrs. ERSKINE. Yes.

Mr. HART. They can get them cheaper than at a regular dentist; is that right?

Mrs. ERSKINE. Yes.

Mr. HART. How about glasses for some of the older people. Do you have requests for that?

Mrs. ERSKINE. We get letters from them, and they come in and they need glasses and teeth and various things like that.

Mr. HART. Are some of these Indian people who are sick and need medical care coming into your office?

Mrs. ERSKINE. Yes.

Mr. HART. Are they able to secure medical care some way or the other?

Mrs. ERSKINE. Well, they have the hospital in Belcourt, but sometimes they say that they aren't enrolled at the agency. Yet, they are recognized as Indians, and we can't provide for any medical care, even though they are getting old-age assistance because they are Indians. And the hospital is available, and yet they wouldn't accept them, or so they say.

Mr. HART. Do you know, of your own knowledge, that they have refused to accept Indian people who are sick at that hospital?

Mrs. ERSKINE. I can't think of anyone right offhand, but I am sure there have been.

Mr. HART. You have heard many complaints along that line in the past; is that correct?

Mrs. ERSKINE. Yes. Although I don't think so much any more. Since they have Dr. Foster, they have more faith in doctors than before.

Mr. HART. You say they have more faith in doctors than they had at some time prior to this?

Mrs. ERSKINE. Yes.

Mr. HART. Would you say 1 or 2 or 3 years ago?

Mrs. ERSKINE. I would say prior to the time that these two doctors came they did.

Mr. HART. From what conversations you have heard, these two doctors are doing a good job out there?

Mrs. ERSKINE. Yes.

Mr. HART. How about the nurses out there? Do you hear any complaint as to the nurses that take care of them in the hospital?

Mrs. ERSKINE. Just that there is a lack of necessary nurses to handle the patients.

Mr. HART. Do you know whether or not there is a public health service program operating on the reservation to get tuberculosis people into the sanitarium?

Mrs. ERSKINE. Mr. Myers has been up here, and the State health department took 900 X-rays and found 21 cases.

Mr. HART. Was the State tuberculosis association involved in that?

Mrs. ERSKINE. Yes, I think Mrs. Cott was representing that; wasn't she?

Mr. HART. Do they ask you to try to get coal or fuel for their stoves on the reservation?

Mrs. ERSKINE. They are always coming in and asking for an increase in their fuel allowance.

Mr. HART. You say they are always asking for an increase in the fuel allowance; is that right?

Mrs. ERSKINE. Maybe I shouldn't say "always," but quite often.

Mr. HART. Do they come in and ask for employment for their husbands or some member of their family, ask for a job?

Mrs. ERSKINE. Yes.

Mr. HART. And they ask your office to try to assist them in securing a job?

Mrs. ERSKINE. They have, yes.

Mr. HART. Do they ever come in and ask your office to help them secure a job at the jewel bearing plant?

Mrs. ERSKINE. No.

Mr. MILLS. Do they come in in relation to themselves or their families? Which predominates?

Mrs. ERSKINE. For their families.

Mr. MILLS. They come in asking for help for their children; is that it?

Mrs. ERSKINE. Yes; the husband is ill or he can't find employment, and they come and ask for food and clothing, and things like that.

Mr. MILLS. I understood earlier that a lot of these places seem to be one-room buildings. Do you know what they are primarily made of?

Mrs. ERSKINE. Mountain lumber and they are chinked with mud.

Mr. MILLS. Do they have drafts and holes in them?

Mrs. ERSKINE. Yes.

Mr. MILLS. We have pretty cold weather here, don't we?

Mrs. ERSKINE. Yes.

Mr. MILLS. Are there quite a few living in these small places?

Mrs. ERSKINE. I imagine the average sized family is 6 or 7.

Mr. MILLS. Would you say that the drafts and congested quarters and poor housing conditions, plus the fact that they found 21 active tuberculosis cases, would indicate that we might be going to have a very serious problem with tuberculosis?

Mrs. ERSKINE. I think it is survival of the fittest.

Mr. MILLS. You think it is the survival of the fittest on the situation?

Mrs. ERSKINE. Yes.

Mr. MILLS. Has any effort been made to help them in their housing?

Mrs. ERSKINE. Yes. They came in and request material for repairing their houses. We usually send them to the lumberyard to get an estimate as to how much it will be, and then we send them a check.

Mr. MILLS. Do they come in for food or basic things, or do they come in wanting luxuries, like iceboxes?

Mrs. ERSKINE. No; they don't ask for things like that.

Mr. MILLS. Their needs for which they request help are for their children and for actual necessities?

Mrs. ERSKINE. Yes.

Chairman LANGER. I want to thank you very, very much.

I would like to recall Mr. Gorneau of the tribal council.

TESTIMONY OF PAT GORNEAU—Resumed

Mr. HART. Now, Pat, have you heard Mrs. Erskine testify as to the typical home on the reservation?

Mr. GORNEAU. I heard most of it.

Mr. HART. Was that roughly the way you know it? Is that roughly correct?

Mr. GORNEAU. Well, in some cases I would say.

Mr. HART. In some cases there is a difference, though?

Mr. GORNEAU. Yes, there is.

Mr. HART. Will you tell us the difference, where you would disagree with her?

Mr. GORNEAU. Well, I can't disagree about the homes that she described.

Mr. HART. I see. She was referring to a typical home. Now, you say there are some that are much better than that and some that are worse?

Mr. GORNEAU. That is right.

Mr. HART. Would you tell us of some of those homes that are much worse than she described?

Mr. GORNEAU. Well, I believe that I have one home in mind and it might be the one that Mr. Chumbris had a picture of in the paper. Would you mind if I saw that? [Handed paper.] No, this isn't it.

Chairman LANGER. Describe it in your own way.

Mr. GORNEAU. Well, this home has been the subject of many visits. As a matter of fact, if anybody comes around here, they usually wind up by taking them to this place and pictures are usually taken. This home I am referring to is almost devoid of any sort of furniture. As a matter of fact, they had one chair at the time I was there.

Mr. HART. How many people live in it?

Mr. GORNEAU. They are a family. I don't know the exact number. There are around eight.

Mr. HART. Are there small children?

Mr. GORNEAU. From small to maybe 16, 17.

Mr. HART. Did it have a wood floor?

Mr. GORNEAU. No—it had the wood floor, yes; as far as lumber is concerned.

Mr. HART. Now, do they have REA out on the reservation?

Mr. GORNEAU. Well, I know of one place they had it.

Mr. HART. Weren't they trying to organize some REA out here a short while back and finally decided that no one would join it because they couldn't afford to pay the monthly cost of REA? Is that right?

Mr. GORNEAU. Yes, most of them decided that the rates were high and they wouldn't be able to meet the payments, especially through the winter months, but I know for a fact that REA is coming through anyhow.

Mr. HART. In certain areas?

Mr. GORNEAU. Well, we have already granted them easements for rights-of-way for their distribution lines.

Mr. HART. Now, getting back to that home you were discussing, do you know if that home is receiving assistance from the State of North Dakota?

Mr. GORNEAU. I know that they are receiving assistance, but whether it is from the State of North Dakota or through the Bureau, I wouldn't know.

Mr. HART. But they are receiving financial assistance?

Mr. GORNEAU. Yes, they are.

Mr. HART. There is some social worker supervising that home?

Mr. GORNEAU. Yes, definitely.

Chairman LANGER. Now, it may interest you to know that I can take you within 3 blocks of the National Capitol at Washington, just 3 blocks away from where the Congress meets, and show you exactly the same miserably deplorable conditions that that lady just described and that you are mentioning here. I can take you over to Martinez Torres Tribe in California near Palm Springs where there are all those beautiful places where people go to enjoy life, where they have 1 well and women have to walk 3 or 4 blocks to get a pail of water right there in that allegedly beautiful State of California. There is nothing but misery and suffering.

The reason I inquired about it is I want to show the conditions existing among the Navahos and at the Martinez Torres where Mrs. Langer and I spent 1 week with each of those tribes, that that condition is not local.

In other words, this subcommittee is interested not only in this reservation but in the reservations all over the United States of America. It seems very peculiar that we can send this year \$3,100 million over to every foreign country on the globe and some of the countries even refuse to take the money, like Sweden did awhile ago, and yet we find this destitute condition. We find the Congress appropriating \$3,100 million, which is more than the total assessed valuation of our entire State. Yet when the people at Aberdeen beg for money to take care of the reservations in North Dakota, they wouldn't give them money, but give it to these foreign countries.

Let the record show that Mr. Goodhouse, who came here from the Fort Totten Reservation, has taken some pictures on the reservation but they were not ready to present to us today. He will forward them to the subcommittee at Washington.

Joe Wicks is doing the same thing at Fort Yates, with pictures on the inside and outside of the condition of those houses. He will send them to us because they weren't quite ready.

So we will have pictures of the houses on all reservations in North Dakota. I make the statement because I don't want the area officers to feel that we are making any particular investigation of North Dakota.

These conditions that I have described exist in many, many places.

We have been in Washington, D. C.; Denver, Colo.; Boston, Mass.; Philadelphia, Pa.; New York City, N. Y.; El Paso, Tex.; San Diego, Los Angeles, and San Francisco, Calif. We will be in Chicago next week and will have further hearings in Washington, D. C., Miami, Fla., and then close up with New York City by the end of this year. That covers the entire United States, practically every section of the United States. And one of the reasons why we came to North Dakota is because it will represent the Northwest, which is the one area where we have not held any hearings, and where conditions are worse because of the cold weather.

You can't compare problems in southern California and El Paso, Tex., with the problems that these people face in Aberdeen. They have a tough job, and I want them to know that the subcommittee realizes it and that this investigation is not in any sense whatsoever a criticism of the area officials over there at Aberdeen.

I want you to know that, Mr. Landbloom.

Mr. LANDBLOOM. Thank you, sir.

Chairman LANGER. We are going out and trying to gather the evidence so that we can present it to the appropriations committee and to the Department of the Interior in an endeavor to help the situation all over this country.

Mr. CHUMBRIS. Senator, the gentlemen from the Indian service have requested that I call Dr. Foster to the stand to answer some of the problems that were raised this morning and, with your permission, I would like to have Mr. Holmes handle the interrogation.

Dr. Foster.

Chairman LANGER. I will not swear you.

**STATEMENT OF DR. EUGENE A. FOSTER, SENIOR ASSISTANT
SURGEON, UNITED STATES PUBLIC HEALTH SERVICE**

Mr. HOLMES. Will you state your full name for the record?

Dr. FOSTER. Eugene A. Foster.

Mr. HOLMES. You are a physician in the Bureau of Indian Affairs?

Dr. FOSTER. That is right. I am a Senior Assistant Surgeon of the United States Public Health Service on detail to the Bureau of Indian Affairs.

Mr. HOLMES. And you are stationed at Turtle Mountain?

Dr. FOSTER. Turtle Mountain Indian Hospital.

Mr. HOLMES. There was some testimony as to what someone had said concerning examination of young girls there at your hospital. Have you had occasion to examine some girls there?

Dr. FOSTER. Naturally, I have had occasion to examine many of them.

Mr. HOLMES. Maybe I had better be a little more specific. Have you had occasion to examine any girls there where it was reported that there had been some sex violation?

Dr. FOSTER. Yes; on a few occasions.

Mr. HOLMES. Would you go ahead doctor and in your own words, to expedite matters here, explain some of the cases that you have seen?

Dr. FOSTER. I think that perhaps we are getting into a misunderstanding here. If I could have the statement that was made this morning read back or some summary of it made perhaps I could give a much clearer answer. I don't think that you are driving at the problem of specific sex violations or sex crimes.

Obviously, in a case like that the girl may have been brought in because it was suspected she was the victim of a sex crime. We examine her and either find that she has or has not, in our opinion.

As I understood the question, that was not the thing that you were concerned with here.

Mr. CHUMBRIS. I think that the precise question that Mr. Holmes is interested in is a statement made this morning that upon examining young ladies for sex violation and for rape that in many cases you were able to determine that that girl had been molested 5 or 10 years ago and that she had developed an emotional instability, or something to that effect.

Dr. FOSTER. No; that is an impossibility. I don't believe that any physician examining a person at any time could say that she had been the victim of a sex violation 5 or 10 years or actually even 2 weeks ago, in most cases.

As to the statement that I made where I understood Mr. Jorgenson to quote me, I think he probably misunderstood me and justifiably so. The statement that I have made to him was to this effect: That in talking to the various unmarried women in the younger age group, under 20—14, 15, 16—who presented themselves to me with various complaints concerning the female reproductive tract, infections, other things, questions of pregnancy, as part of the procedure in determining what was the matter with them, I would question them concerning whether they had had sexual intercourse at any time, since this is an important point in making the diagnosis.

On very frequent occasions I have been told by girls 15, 16, 17 that either they had sexual intercourse recently or perhaps they said, "No; I have never had any sexual intercourse except when I was 5 or 6 years old and was molested." I have had that several times. I think that is the point that he was getting at.

MR. CHUMBRIS. That would come from their statements?

DR. FOSTER. No examination could possibly reveal any information of that sort.

MR. HOLMES. I believe that Mr. Jorgenson related a case where a girl had been raped and was brought to your hospital and was badly torn and had to be sewed up.

DR. FOSTER. I did not handle any case of that sort. Conceivably my colleague did, or perhaps it was before either of us came.

MR. HOLMES. That is all.

MR. MILLS. What is the youngest child you have in there where the circumstances indicated that she had had intercourse?

DR. FOSTER. I couldn't say for sure. I believe that the youngest that I can remember was 9.

MR. MILLS. Nine years old. How long have you been here, sir?

DR. FOSTER. Since the end of February 1954.

MR. MILLS. In the last 6 or 7 months a child of 9 years old had been either sexually attacked or had sexual intercourse; is that right?

DR. FOSTER. Yes; it was our opinion from our examination that that had occurred.

MR. MILLS. No further questions.

Thank you.

Chairman LANGER. Thank you very much, doctor.

Call the next witness.

Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. LaFROMBOISE. I do.

TESTIMONY OF ELISE LaFROMBOISE, CASEWORKER, ROLETTE COUNTY WELFARE BOARD

MR. CHUMBRIS. Will you, please, state your full name?

Mrs. LaFROMBOISE. Elise LaFromboise.

MR. CHUMBRIS. Where do you reside?

Mrs. LaFROMBOISE. Rolla.

MR. CHUMBRIS. What is your occupation?

Mrs. LaFROMBOISE. Caseworker for the county welfare board.

MR. CHUMBRIS. How long have you been so employed?

Mrs. LaFROMBOISE. Ten years.

Mr. CHUMBRIS. During the course of your employment, have you had a chance to investigate certain matters dealing with insanity and mental defectiveness of residents at the Turtle Mountain reservation?

Mrs. LAFROMBOISE. In all of my work, since it covers all of the county. I wouldn't say only the reservation. I know that you are referring to Mary Rose Champaign, who was insane and became so in Rolla. Mrs. Champaign was on old-age assistance.

May I tell you in my own words?

Mr. CHUMBRIS. Yes; you may.

Mrs. LAFROMBOISE. Mrs. Champaign was on old-age assistance for quite some time. She resided alone until 1951. In February of that year I visited the home and found Mrs. Champaign quite upset. She had a black eye and her nose was all bruised, and she had quite a large scar over her forehead. She informed me at that time that she had been attacked by one of the neighbor boys and that she had reported it to the Turtle Mountain officials, but that nothing had been done, and she feared that they disbelieved her and she didn't want to push the matter any further.

At that time I arranged to place her in a home so that she would not be living alone. She and her daughter, who was a paraplegic, had been both receiving assistance. So they were placed in a boarding home with one of the relatives.

In April of this year the people who had been caring for Mrs. Champaign requested her removal, since Mrs. Champaign was senile. She was not, I would say, insane, because up to the time of her death she had not been adjudged so.

I moved Mrs. Champaign to the only available place there was for her, and that was the rest home in Rolla. She had been in the rest home from May 5 up until the 3d of June, when the woman caretaker in the home reported that she was acting queerly, packing up her clothes and trying to escape from the windows, and getting so that they could not handle her.

On the 3d or 4th of the month, a day or so later, she called and said that she would like me to help handle the woman since she was dragging her daughter around the place and had become violent.

At that time, we contacted the Rolette County Insanity Board. We found that we could not have her committed since there was a question of jurisdiction or as they say payment, or something or other; but we couldn't use our local insanity board to have her committed.

There was quite a controversy on it, and I am sorry that there is this jurisdiction. As far as I am concerned, I would like to have it erased. They didn't have this jurisdiction, and we could not bring the woman to Belcourt to the hospital. They did not have facilities to care for her.

When we asked for a hearing to move her from the home, we were asked to take her out to Belcourt and leave her. When we asked about placing her in Belcourt, we were told that they would bring her right back to the streets of Rolla.

Feeling that I was working for the welfare of the woman, I allowed her to remain in the home rather than move her from place to place. The arrangement was made where we cleared the room in the house and a bedspring was put over the window to keep her from jumping out, and all of the furniture was moved from the place and the fixtures

were covered so that she couldn't electrocute herself. At least we arranged for her safety. I know it wasn't the best thing to do.

The woman did not receive the care that she had coming to her. She didn't get any medical care. We had the doctor from Rolla over to give her shots when we couldn't sedate her enough with medicine given us by the Belcourt doctors. This medicine received from Belcourt was prescribed without the doctor seeing her since they wanted to keep out and had to stay out of the picture in order to settle this issue of jurisdiction.

In July, on July 27, I noted that the woman was weakening and that she wasn't so violent and could be handled, and I asked for bedrails from the Belcourt Hospital and received them. But before we could get her in bed, I noted that she was taking spasms and asked that she be moved to Belcourt Hospital.

She was placed in the Belcourt Hospital about the 28th of July and died on the 3d of September at the Belcourt Hospital. On the 30th of July, they held a hearing to commit her to St. Elizabeths institution. I realize that St. Elizabeths institution has better facilities to care for the insane, but I don't think it is fair that any Indian or any person of any nationality should have to go without the care that they are entitled to because of jurisdiction.

For that matter, I feel that that woman was neglected and I blame our Indian Service for it indirectly. I feel that, regardless of where the money comes from, for a few paltry dollars our people should not have to suffer the way they do.

We have this argument: They say, "It is a county problem. They are citizens of the county and State." We are citizens of a county and State, sure enough, but through no fault of our own or of the people of North Dakota. And I do feel that all of the citizens of the United States are as much responsible as the State of North Dakota for the placement of our people in this community and the Federal Government should be the channel and arrange so that all of our people derive the benefits that they should have in a community such as ours.

Mr. CHUMBRIS. Mr. Holmes, did you have any questions?

Mr. HOLMES. I believe not.

Chairman LANGER. Mr. Hart?

Mr. HART. You have been involved here in this welfare field, working in Rolette County for about 10 years, have you?

Mrs. LAFROMBOISE. Yes.

Mr. HART. Is it true that in an individual case you are on the firing line and many of the difficulties that you run into are due to this dual jurisdiction or the separate jurisdiction or duplicated service on this question of responsibility?

Mrs. LAFROMBOISE. Yes, not all, but most all of my difficulties in all of the work that I do, covering all fields of my work, winds up with the problem of jurisdiction. We are handicapped in our office.

When you are working with welfare, you are working for the benefit of a person, an individual. You work with that person to a certain extent and you get to the point where you run into jurisdiction. You have to turn it over to the Indian agency where the thing falls flat and nothing is done because we have no appropriations to follow through.

Mr. HART. Tell us how you would feel if, we will say, tomorrow the Bureau of Indian Affairs would be abolished and without reimbursement. Tell us what you think would happen in 10 years. We recognize that you can't predict any more than we can. But I am interested in what the results would be as you look at them and as you predict it.

Mrs. LAFRAMBOISE. It couldn't be any worse than what it is now. That much I can say. I feel quite sure in saying that. Our people, the people of Turtle Mountain, I have approached them in several instances. I know that they are hesitant about turning over to county and local level. They feel that they should hang on to Uncle Sam.

Their main question seems to be their land. If it is turned over to tax, most old people would get swindled out of it or lose what they did have. It is like having your cake and eating it, too.

I find that in checking over our records on the social security program where you have a trust mortgage or claim against an estate that almost all the land on the reservation has a claim against it anyway. Our people would be better off if they were self-sufficient. They would be better off if they were on their own.

In over 10 years of observation I felt that we have not gained anything by being under the supervision of the Indian service. They do their duty as they can, but they have their hands tied. There is too much red tape, and that is a problem where it is too general over the whole United States and, for our people as individuals within a State, the program does not fit.

Mr. HART. Now, Elise, I would like to ask you a really hard question. It may be very hard for you to answer. It was hard for me to answer, but I believe that this committee should have some information on it.

Having this separate service that is racial or, as I use the term, segregated service, does that affect an Indian person inside of them? Does it make them feel either superior or inferior, or does it make them feel as if they are a person or group of persons separate and apart; and in your opinion, does that affect their outlook on life, their ambitions to plan for themselves, their children? It is a really difficult question, but I would certainly appreciate your observation.

Mrs. LAFRAMBOISE. From my 10 years of personal observation in working with my people, I have found that in most instances it has caused inferiority complexes, especially so with the children who graduate from high school at Belcourt. I have found it that way. The children go to college and are not equipped to mix with other children. Children who have been mixed in other communities who have gone to other schools don't have that inferiority complex that you have with children educated on the reservation. I realize that is what we needed.

It seems that the Indian Bureau has always felt that you have to bring it home to the reservation. In my recommendations, I would say that all services should be returned to the local, State, and county subdivisions with Federal participation or without. As far as I am concerned, I feel that the people would be better off. As far as schooling is concerned, our children get as far as the eighth grade. They should go to boarding schools, academies or away from the reservation for their final schooling.

It sounds as if I am for boarding schools. I am not, as far as other localities are concerned. Our people live on the reservation in congested areas. Their homes are not fit. They have nothing to offer. They go to school all day and, regardless of whether you try to train those children or teach them what cleanliness is, what the standard of living should be, they go home to the same thing that they left in the morning which is a one-room shack, with no electric lights, no facilities of any sort, maybe an outdoor privy and maybe not.

They have nothing to offer in the homes. The children are just out. They have nothing to give them to better their living conditions. There is no standard of living to look forward to. They usually settle back in that. They go to college and finish high school and they are backward, withdrawn, and don't mix. You find children who finish boarding high schools who don't want to come home, who don't feel that the reservation life is for them.

That is the reason I am for the children leaving the reservation because I feel that education is going to be the thing that we need most for our people. We may not benefit by it in our age, but our children should.

Mr. HART. Do you have a daughter that is now teaching school in Rolette County?

Mrs. LAFROMBOISE. Yes; I have.

Mr. HART. Now, getting to another subject, that is, the subject of claims, will you give the Senator your opinion as to what the thinking of the people of the reservation would be if arrangements could be made to have their claims paid in total at once or I should say have it paid completely and paid out to the people on a per-capita basis, in the terms of abolishment of the reservations and the special services?

Mrs. LAFROMBOISE. I have talked with many people, especially since they talked of termination. I find that most people, and I can fairly say all of the younger generation, feel that if the claims were paid in full that they would have no regrets letting Uncle Sam loosen the apron strings.

Another thing that has always been a problem with us has been the Indian liquor law. I hear so much complaint about bootleggers on the reservation. And not only with Indian people but with any people when you have bootlegging you will always find that minors are drinking. It makes no difference to the bootlegger whether he is selling to the minor or the adult. He is still committing the same crime. Actually he is committing a bigger crime by selling to the minor, but he gets the same punishment.

I feel that if the liquor law were repealed in the State of North Dakota, and let the Federal Government pull off the reservation, where the Indians can drink at home, as well as going into adjoining towns and drinking, that a lot of our problems would be settled.

It isn't the best thing for anyone to have liquor probably, but as long as it is there, I think the Indian should have the same privileges as the whites.

Mr. HART. That is all, Mr. Chairman.

Chairman LANGER. Any questions?

Mr. HOLMES. In general, if you were immediately terminated, would your land be productive or helpful to your Indians? In other words, are they producing enough to provide you with jobs?

Mrs. LAFROMBOISE. I think that the Indian service is responsible for a lot of the property that our people have, and I feel that they are responsible in seeing that it is terminated in a manner in which the people can be able to adjust themselves. I actually do. I know that when they bought up the adjoining land in this country for their tribal setup that it could have been bought in other sections rather than adjoining the reservation, where our people could have made a living, rather than being stuck back in the woods on property that nobody else wanted or couldn't pay their taxes on.

Mr. HOLMES. Would you feel that your people would need protection?

Mrs. LAFROMBOISE. I feel that there are enough divisions within the State and enough services within the State to be able to handle any program that the Indian service has, but with Federal participation and with the money appropriated for the personnel that handle the reservation in Belcourt to the different divisions within the counties and State that it could be handled just as well, if not better, since they are local people and closer to their own problems than the people in Aberdeen or Washington, D. C.

Mr. HOLMES. My question was: Would you need protection to prevent your people from selling all their lands?

Mrs. LAFROMBOISE. I don't think so. I think that within our people we have people who are educated enough. In almost every family there is the child who has had some sort of education who would be able to counsel his elders on whether to sell it or not. I don't feel that they would be swindled any more than anybody else would be.

Mr. HOLMES. Thank you.

Chairman LANGER. I want to thank you very much. I understand you have been very helpful to the Indian reservation. I want to thank you for it.

We have a rule that if anyone in the office wants to make a statement he is welcome to do so. I understand that Mr. John Stormon wants to make a statement.

Is Fred Lang here? Mr. Lang told me that he wished to make a statement.

STATEMENT OF JOHN A. STORMON, ATTORNEY, ROLLA, N. DAK.

Mr. STORMON. Mr. Chairman, my name is John A. Stormon. I live at Rolla. I am a practicing lawyer. I am attorney for the Turtle Mountain Advisory Committee, the organized Turtle Mountain group, associated with Mr. Ernest L. Wilkinson, of Washington, D. C., and now also represent the Little Shell group under a consolidation recently completed with Mr. David Rein, of Washington, D. C.

I have been primarily interested in the claims of the Turtle Mountain Band for the past twenty-some years. I have attended the hearing today because of my interest in the matter and desire to see just what work the committee was doing.

The situation on the Turtle Mountain Reservation is largely economic. The record was made before the Senate Committee on Indian Affairs in February of 1927, and if a comparison is desired by

this committee of the Senate with former years, you will find a complete record in the proceedings of the Committee on Indian Affairs in February of 1927; likewise, a complete record of conditions existing in Rolette County at a hearing of the Senate Committee on Indian Affairs in April of 1928, and a number of subsequent hearings of the committee when conditions in Rolette County were called to the attention of the Congress.

This included education as well as economic conditions, and as a result of the action taken by Rolette County, we received improved facilities on the Turtle Mountain Reservation.

In this matter of law enforcement that has been brought out here, I served as assistant State's attorney and State's attorney of Rolette County during a period when Rolette County assumed a full jurisdictional responsibility for all crimes on the Turtle Mountain Reservation.

The record of those proceedings is in the Senate reports to which I have referred, giving the costs to the county, and they are available to the committee.

In recent years, because of laws passed by the Congress of the United States, the jurisdictional question has arisen. I served as United States commissioner for a period of more than 25 years and am familiar with law enforcement from the Federal angle on Indian reservations.

Under the present setup and replying more particularly to a question proposed earlier in the hearing by Mr. Mills, assistant United States attorney, it is my opinion that at the present time, under the present jurisdictional setup that, if you are going to have satisfactory law enforcement on the Turtle Mountain Indian Reservation, it would be necessary to have an assistant United States attorney, an assistant United States marshal, and a United States Commissioner situated on the reservation or immediately adjacent thereto. And until such time that Congress provides that form of law-enforcement machinery the present law-enforcement program is going to be very, very unsatisfactory.

It is not sensible for the Federal Government to attempt to take over all law enforcement on the reservation with offices in Fargo and cities such distances away, with grand juries meeting once a year and the Federal term of court at Grand Forks in November and December of each year.

There has to be some improvement made and adequate money appropriated by the Congress of the United States to take care of the law-enforcement program if they want to do it; and if the Congress of the United States does not want to do it, there is only one solution, that is, to change the laws and return the enforcement of laws to the place where we had it some years ago, where both the Government and State had concurrent jurisdiction and the local law-enforcement authorities, the local sheriff and local State's attorney stepped in and paid just as much attention to law enforcement on the reservation as they did off the reservation.

In other words, at one time in Rolette County we were supplying the same law enforcement that Mr. Christianson and the sheriff of Benson County testified to at the hearing this afternoon.

I say that the present situation is unfair to the people of Rolette County and the question of jurisdiction should be solved.

I hope that this committee in its various hearings will see what can be done to get more speed into the claims commission considering

the claims of Indians. I think it is very discouraging to the people of the Turtle Mountain Tribe of Indians because of the delays that we are running into in getting consideration.

The Turtle Mountain Tribe have presented their claims to the Congress of the United States since 1888, and today they have not yet been adjudicated.

Now, I don't want to make a speech. But I am submitting these remarks. If there are any questions on the part of anyone, I would be happy to try to answer them.

Mr. HART. Mr. Chairman, may I ask one question?

Chairman LANGER. Yes.

Mr. HART. Mr. Stormon, you have been State's attorney of this county at different times and have also served in the State legislature. In your opinion, would law enforcement improve if the jurisdiction was transferred to the State of North Dakota so that it would be handled the same as non-Indian cases?

Mr. STORMON. It definitely would be improved. Of course, Rolette County cannot provide the money necessary to take over the entire law-enforcement problem.

Mr. HART. You say, then, that it is necessary that there be some financial reimbursement to make such a law truly effective and to avoid the feeling that would exist by imposing a burden on the taxpayer?

Mr. STORMON. I asked the Senate committee in February 1927 and April 1928 to reimburse the county because of the expensive costs that we had, and presented itemized statements, showing the expensive cost due to enforcement of laws on the reservation.

I think a bill was introduced in the Congress. But in those days this reimbursable problem was out and it never got out of the committee.

Mr. HART. That is true in these days, isn't it?

Mr. STORMON. I guess it is, maybe.

I remember back in June of 1931 appearing at a conference in Salt Lake City on this identical subject, and it has not been solved yet.

Chairman LANGER. You see, Mr. Stormon, I am trying to solve it. I might say that we have called in the Federal Government, the State government, as I said before today. We have called in county authorities. We have called in men of experience. We have called in the State Indian commission, the tax commission and everybody whom I can think of, and I thought we could sit around the table, not as Democrats or Republicans but as good Americans, and try to settle this problem which, after all, on the basis of population is a very small one.

Mr. STORMON. Senator, my views on the matter are this: that, irrespective of what the future of the reservation is going to be, whether there is going to be complete emancipation or not, we have an immediate problem here that the Congress of the United States must face and appropriate the money.

There is only one way of doing it, that is, to give the Federal law-enforcement authorities of North Dakota sufficient money so that they can be expected to do the job. You can't expect to do the job with a United States attorney and 1 or 2 assistants sitting in Fargo and the United States Commissioner, the closest man, until a day or two ago, at Grand Forks or Minot.

You have to get the people locally and you can't expect two policemen on the reservation to do the enforcement job there. It is a physical impossibility for anyone.

In the meantime, until you decide what you are going to do, you have to give the agency the funds they need to administer it.

Chairman LANGER. Thank you very much.

Is Mr. Fred Lang here?

Mr. CHUMBRIS. They say he left.

Mr. GORNEAU. These are the pictures of the home I described.

Chairman LANGER. You may mark them as exhibits and file them.

Mr. CHUMBRIS. Thank you very much.

(The photographs referred to were marked "Exhibit No. 25," and are on file with the subcommittee.)

STATEMENT OF C. A. BERG, AUDITOR, ROLETTE COUNTY, N. DAK.

Chairman LANGER. Go right ahead.

Mr. BERG. There has been some discussion here in relation to finance. I feel that it has arisen several times. Rolette County is in a very drastic situation when it comes to financing in relation to the Indian reservation, and I am going to try to explain to you why it would be entirely impossible for us to accept any kind of enforcement unless there was reimbursement with it.

There are 53 counties, as you know, in North Dakota. Forty-two have a higher valuation than Rolette County, higher taxable valuation. We are limited by statute to the amount of money which we can raise in any given year. We exceed that limitation by taking advantage of 3 or 4 clauses in the law, such as the emergency fund measure, and a few of those.

We rate 34th and 32d, occasionally, in collections, but we are only 43d in valuation. So we are collecting way above the average per capita population per valuation in the State of North Dakota.

In addition to that I would like to call your attention to the fact that we are now expending enough money for sheriffs' services and jail costs and prison expense, so that we rate from 8th to 14th in that expenditure in comparison to the rest of the counties in North Dakota. There are only 8 that spend more money for law enforcement than Rolette County, and we have never got beyond the 14th.

In other words, in comparison to our taxable valuation, we are spending three times as much for law enforcement compared to our income as the other counties of the State. An entire law-enforcement program would ruin us.

Mr. MILLS. What would be the cost of the law-enforcement program?

Mr. BERG. If we had all of it, that would be pure guesswork.

Mr. MILLS. \$7,000 was the estimate, I believe, from Fort Totten. Would you take any figure based on that \$7,000?

Mr. BERG. A year?

Mr. MILLS. Yes.

Mr. BERG. I imagine it would very likely double our law-enforcement cost.

Mr. MILLS. What would that be, then?

Mr. BERG. In the last fiscal year our law-enforcement costs, that is, the sheriff and his cost and the board for prisoners, not State's attorney or other costs, were \$10,300.

Mr. MILLS. So it would take an additional \$10,000?

Mr. BERG. It would take an additional \$10,000.

I wish to make a correction. I said \$10,300. In addition to that we spent \$2,600 for boarding prisoners. So we expended very close to \$13,000 from a \$90,000 budget.

Mr. CHUMBRIS. Is it your position that since many of the Chippewas on the Turtle Mountain Reservation came from Canada, Minnesota, and Wisconsin, as well as North Dakota, that to have the Rolette County assume full responsibility for the law enforcement would be an unfair burden on your county? Would that be your position?

Mr. BERG. It would be unfair and there wouldn't be law enforcement. We would be unable to provide it.

Mr. CHUMBRIS. In other words, if it is anybody's obligation, it would be the obligation of the full State, as well as the Nation, to police that reservation?

Mr. BERG. It should be placed on those responsible for creating the situation. I don't think it is the county's responsibility. I don't think it is any fault.

From the information that has been given here, I don't think we have any more problems of law enforcement on this reservation than any other reservation. The economic circumstances create a lot of it. I don't know of any way in the world to create the feeling of racial segregation than what is being done by the Government through the Indian agency to give a special privilege to a certain group of people. If you want segregation, that is what you are getting.

I am Scandinavian. If they told us we could eat lutefisk any place we wanted to, that would segregate us and put us in a special position.

Chairman LANGER. Thank you, Mr. Commissioner.

Is there anyone else?

STATEMENT OF ALEX MARTIN, TURTLE MOUNTAIN RESERVATION

Mr. CHUMBRIS. Give your name and address.

Mr. MARTIN. Alex Martin from Turtle Mountain Reservation.

I will make it brief. I ask you, Senator, and the rest of the committee, to understand me in common language. I was born and raised on Turtle Mountain Reservation and am 53 years of age. I have listened to the arguments heard here, and I would say this: I went to Washington and I went to Rapid City. Since then the Government has been trying to improve the Turtle Mountain Reservation. They have to a certain extent.

They have improved roads and schools and hospitals, but they haven't improved the welfare conditions of the Indians yet. I am thinking of those that are down and out. Myself and some others are competent to make a living. We are all right. Those that are not capable of making a living and need help from the Government should be taken care of.

Now, regarding programs on the reservation, Mr. Hart I think asked our chairman whether the REA came in. I am in favor of improving the whole Indian nation in regard to the present form of living.

What I mean is this: If I improve my home without the help of the Government or with the help of the Government, if I want more improvement to be done on my home or the reservation, like the white man has now, I would like to see it like that.

Now, Senator, I have been married for 30 years to a white woman, and I have 3 daughters married. Now, you talk about your segregation. You talk about discrimination, your South and North or whatever it is. I believe in the Catholic faith. Like Father Hildebrand says, there is no such thing as segregation in our heart. But if our Government wants to improve the Indian problem, like Mr. Hart asked Elise here, do we feel inside that you are superior or if we feel an inferior complex. No, I don't, because I have lived among the whites. I have whites that I deal with outside that I compare with, but I never heard throughout outside conversations among the white farmers or any other that the Indian can't do as good as the white man. They can because I have worked with them many years. I worked for them many years.

All right. If I was good enough to work for them, they are good enough to work for me. So I will ask this committee in the near future, not for our part, but for the younger generation, for God's sake, whatever you do, leave off with your bigotry and law enforcement, and that, and take care of the welfare first.

Your law enforcement doesn't count if I am hungry and you are hungry. You might go as far as robbing. I am not opposed to law enforcement. I have been a law-enforcement officer a few years ago, 1937 to 1938. I worked for the State and Federal Government.

As any loyal Indian person would say, the true Indian nation has just as much knowledge as you white people, because we have had white men come to the reservation and write with the Indians.

Therefore, Senator, I will tell you this: If we can put up a good foundation for the younger people, it is time to do it now.

Chairman LANGER. Thank you very much.

Is there anyone else?

The meeting is adjourned. I want to thank you very much for your kindness and courtesy.

(Whereupon, at 6:40 p. m., Wednesday, October 13, 1954, the subcommittee adjourned, subject to the call of the Chair.)

JUVENILE DELINQUENCY (Indians)

THURSDAY, OCTOBER 14, 1954

UNITED STATES SENATE,
SUBCOMMITTEE INVESTIGATING JUVENILE DELINQUENCY,
OF THE COMMITTEE ON THE JUDICIARY,
Bismarck, N. Dak.

The subcommittee met at 10:15 a. m., pursuant to notice, in the Federal courthouse, Bismarck, N. Dak., Senator William Langer (chairman of the Committee on the Judiciary) presiding.

Present: Senator Langer.

Also present: Peter N. Chumbris, assistant counsel to the subcommittee.

Also present: T. H. H. Thoresen, assistant attorney general, State of North Dakota; Orris G. Nordhaugen, State senator, Benson County, N. Dak.; William V. Kastler, Office of the Solicitor, Department of the Interior; Graham Holmes, Office of the Solicitor, and Glen R. Landbloom, Aberdeen area office, Bureau of Indian Affairs; Ralph Maxwell, assistant United States attorney; John B. Hart, executive director, North Dakota Indian Affairs Commission; Melvin Christianson, State's attorney, Benson County, N. Dak.; and Carlyle D. Onsrud, executive director, North Dakota State Welfare Board.

Chairman LANGER. The meeting will come to order. Mr. Chumbris will read the opening statement.

Mr. CHUMBRIS. We are indeed happy to come to North Dakota and conduct a series of hearings in various parts of the State to learn of the facts and of the problems which confront the Indian population on and off the reservations.

What we learn here will prove valuable to the subcommittee in making proper recommendations to the Congress of the United States, on not only the problems of the Indians in North Dakota, but of the Indian population throughout the United States.

Our subcommittee has toured the United States on the problem of juvenile delinquency, and we have held hearings in Washington, D. C.; Denver, Colo.; Boston, Mass.; Philadelphia, Pa.; New York, N. Y.; El Paso, Tex.; San Diego, Los Angeles, and San Francisco, Calif.; and propose to hold hearings in Chicago, Ill.; Miami, Fla.; Washington, D. C.; and New York City.

These hearings deal with community problems of juvenile delinquency, special problems such as runaway children, comic books, television, radio, and movies as mass media's impact on youth, pornography and indecent literature, the international boundary, and today, Indian youth, as will be brought out in these hearings.

We fully realize that congressional investigations of the Indian affairs have been held previously on many different topics.

We do believe, however, that this is the first time that a congressional committee has come to the various Indian reservations in a State and attempted to learn of the facts from all of the parties concerned; namely, the Indians and Indian leaders, the Indian Bureau, the Indian Affairs Commission, Federal, State, county, and city officials, the press, and the general public.

We further realize the problems are many and complex and that there is no easy solution. However, any problems, properly analyzed and properly treated, can be corrected. To this end, we earnestly dedicate our efforts in these hearings. With the full cooperation of all of the interested parties involved, we can succeed.

Chairman LANGER. Call your first witness.

Mr. CHUMBRIS. Mr. Shane.

Chairman LANGER. You do solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHANE. I do.

**TESTIMONY OF RALPH M. SHANE, SUPERINTENDENT,
FORT BERTHOLD AGENCY—Resumed**

Mr. CHUMBRIS. Mr. Shane, I believe you testified at New Town; is that correct?

Mr. SHANE. That is correct.

Mr. CHUMBRIS. And do you have an additional statement you would like to present to the subcommittee?

Mr. SHANE. Yes; I do.

Mr. CHUMBRIS. Would you please state whether or not you have that in writing?

Mr. SHANE. Yes; I do.

Mr. CHUMBRIS. Would you like to read it at this time?

Mr. SHANE. In view of the fact that I got cut off the other day at New Town, I would like to enter this as a completion of the statement that I made at New Town.

As to juvenile delinquency on the Fort Berthold Reservation, it is my feeling that there is no greater delinquency on the reservation than in any other community in similar economic and environmental conditions.

I do not believe that the answer to the juvenile delinquency problem is law and order; I do not feel that any amount of law and order effectiveness will eliminate juvenile delinquency where poverty in the home exists and recreational facilities are unavailable.

Too many individual Indian families with large numbers of children are living in 1-room or 2-room houses where segregation of sexes and age groups is impossible. Home conditions and poverty are contributing to poor training in discipline or behavior patterns. Children are naturally active and curious and constantly in search of stimulating experiences.

The unavailability of wholesome recreation forces a child to search out his own recreation, and often he will find recreation in an unwholesome atmosphere.

The answer to juvenile delinquency is not law and order; it is the provision of wholesome recreation which will keep young people occupied during most of their leisure time.

The elimination of the poverty-ridden home and the provision of adequate leisure-time activities will stamp out juvenile delinquency without any effort on the part of law and order.

In many of the slum districts of large cities it has been determined to the advantage of the city itself in the curbing of juvenile delinquency situations to construct large Federal housing districts to provide sanitary and wholesome home situations for the rearing of children. If that principle will work in slum districts of cities, the same principle could be worked effectively on Indian reservations.

Another point I would like to mention in connection with the reservation programs is the placement, or relocation, of Indian people from the reservation into industrial areas of the Nation. It is not good reasoning to think that Indian people are all farmers and ranchers and should be able to make their living on the land within the boundaries of the reservation. In any normal population group we find that 15 percent of the people are agricultural people; the other 85 percent follow other pursuits.

It is only reasonable to assume that probably the same ratios exist within the Indian population and that 85 percent of our people should be considered better qualified for industrial work than for agricultural pursuits.

At the present time, we have a relocation program on the Fort Berthold Reservation. This program is intended to assist Indian families to relocate into industrial areas, get them established in industrial jobs, and established in the life of the community.

I feel that this is the only answer to distribute the Indian people among the other people of our Nation so that they become only a citizen of the United States rather than maintaining identity as an Indian.

It gives them an opportunity to fit into the occupational pattern as they are best qualified. Likewise, they will adapt themselves to the cultural patterns of the white man much more readily by being more closely associated with the white man and separated from the confinement of their own culture.

At the present time, we have our relocation program working exceptionally well. A considerable number of people are indicating their desire to get away from the type of occupation that is available around the reservation and to get into industrial areas where they can obtain jobs that pay them regular salaries and provide them the environment for more wholesome and complete living.

But, just about the time we get the program across to the people where they begin to realize the opportunities offered by the program, the appropriations run out and the program immediately loses its effect because it is not continuous.

I feel that a very close examination of this program and the funds made available to carry it out should be made.

To summarize my recommendations as to what should be done by Congress to accomplish the Indian program, I would like to suggest the following:

1. That the boarding-home care for high-school students be expanded to include all high-school students of the Fort Berthold Reservation who desires to attend high school under that program.

2. Law and order on this reservation is lacking in proper transportation facilities and operating funds to adequately accomplish the program on a segmented reservation, segments created by the waters of Garrison Reservoir.

3. A rehabilitation program should be undertaken for those people on the reservation, stockmen and agricultural people, who are unable to make a living under the present program; they are unable to obtain outside credit or financial assistance, and programs within the Bureau have top limitations which preclude an adequate enterprise.

4. The relocation program for Indian people into industrial areas should be covered with adequate appropriations to allow every family desiring to relocate away from the reservation to do so.

5. The establishment of some form of small industry near the reservation which would employ Indian labor on an intermittent basis would put us in position to eliminate a large amount of our welfare load during the winter season and during slack labor periods, or crop-failure periods. Welfare made available to the able-bodied people who are just not able to find work is in itself a detriment to morale and to an effective reservation program.

I further feel that the termination of Federal jurisdiction over Indian affairs will be automatic with proper attention to education, to rehabilitation of rural families, and relocation of families into industrial areas.

Thank you.

Chairman LANGER. Are there any questions, Mr. Hart?

Mr. HART. Yes; I have a couple of questions here.

Yesterday it was shown that in the breakdown of law-and-order costs that \$1.98 per capita was spent on the Fort Berthold Reservation as against 68 cents per capita on the Turtle Mountain-Fort Totten Reservations.

Now, the implication was made that this \$1.98 on the Fort Berthold Reservation was tribal funds, or, at least, partially from tribal funds.

Could you tell us about that?

Mr. SHANE. I wouldn't know the exact breakdown of the \$1.98. Our law-and-order system is divided into two systems. The Federal officer and the tribal courts and its officers.

Mr. HART. Did Congress appropriate any money from the tribal funds for law and order on the Fort Berthold Reservation?

Mr. SHANE. I don't believe it was appropriated by Congress. The law-and-order system on the reservation is handled by the tribal council.

Mr. HART. So if the \$1.98 represents money that Congress appropriated, what would not be tribal funds appropriated by Congress?

Mr. SHANE. I am not an expert on that, but I believe that is right.

Would you know, Graham?

Mr. HOLMES. It may or may not be, depending on the reservation and the type of funds that they own and the type of program that is being undertaken on that particular reservation.

You would have to take each reservation individually and investigate their financial setup and their program before it could be exactly determined.

Of course, a great deal of the law and order on the Fort Berthold Reservation is financed from tribal funds.

Mr. KASTLER. I would like to add to that that these tribes have money on deposit in the United States Treasury and before their money can be spent they have to submit a budget like any agency of the Government does and that budget must be approved and funds appropriated from their deposits in the Treasury by an act of Congress, and an appropriations act.

Mr. HART. Mr. Chairman, may I make a short statement?

Chairman LANGER. Yes.

Mr. HART. The matter in controversy yesterday was regarding the fiscal year 1954, appropriations program for Indian service activities for the fiscal year 1954.

It shows that from the appropriated funds \$3,955 was used for law and order on the Fort Berthold Reservation.

I do not have the justifications for the 1954 fiscal year. I could not find them in my office this morning.

However, for the fiscal year ending June 30, 1953, the statement of tribal funds appropriated covering Fort Berthold and the Standing Rock Reservations shows that no tribal funds were used, were appropriated for law and order.

Now, I have a couple of more questions, if I may.

You say that law and order isn't the answer for juvenile delinquency. Now, in those cases where you have current juvenile delinquents, you believe that law and order must go into play there?

Mr. SHANE. Yes.

Mr. HART. You recall the testimony of the State's attorney dealing about Garrison, of the Indian people that have moved over there and of the terrific juvenile delinquency deals that developed among Indian people; is that right?

Mr. SHANE. Yes.

Chairman LANGER. Let us find out about this \$1.98. How much of it is appropriated? Who can testify to that?

Mr. KASTLER. I want to straighten the record out.

What I said in regard to the appropriation by Congress of Indian tribal funds on deposit applies to nonorganized tribes.

I find that Fort Berthold is an organized tribe and, therefore, has control of its own money, meaning it is organized under the 1930 Wheeler-Howard Act.

I believe Mr. Holmes might be able to furnish further information on this subject:

Chairman LANGER. What about Standing Rock? They had \$280,000 in their treasury.

Mr. HOLMES. Similar tribes have trust funds on deposit which were created in such a way by various acts of Congress in years gone by and that act of Congress appropriating that money to their use is required.

Offhand, I don't know which of the various reservations in this area come within that classification, which of those reservations have that type. That information is available from the record.

Now, to further clarify the record as to Fort Berthold and Turtle Mountain, it is my information that we have one chief of police officer at Fort Berthold. He is a Government employee. We have two such employees on the Turtle Mountain Reservation. So we have twice as many on Turtle Mountain as on the Fort Berthold Reservation.

Mr. KASTLER. What you are telling us is that these are tribal law-enforcement officers, or Bureau of Indian Affairs?

Mr. HOLMES. They are Government employees. They work for the Bureau of Indian Affairs and are paid from funds appropriated for the Bureau of Indian Affairs.

There is 1 at Fort Berthold and 2 at Turtle Mountain.

As to the exact amount of the appropriation, I can't offhand say what the appropriation for either is, but it appears reasonable to me with the information that I have given that the appropriation from Federal funds must be equal or larger on the Turtle Mountain than on the Fort Berthold Reservation.

That information is all available in detail. I don't have any figures with me here today, but certainly it is all a matter of record and is very easily obtainable.

Mr. KASTLER. Mr. Landbloom, do you have anything to add?

Mr. LANDBLOOM. No.

Mr. CHUMBRIS. I have a Bureau of Indian Affairs chart. Is that one of your charts?

Mr. HART. For the record the basic figures for that chart were secured from the Senate Appropriations Committee through the good offices of Senator Young. The breakdown and the populations are mine.

The calculations are from the county auditor of Rolette County breaking them down into per capita, where the showing is that that is more than twice as much money per capita spent at Fort Berthold as at Turtle Mountain.

I brought this subject up, Mr. Holmes, because of your statement in the record yesterday, which tended to show that the figures I used were incorrect in that, by impression, your statement implied that the funds used were not Federal funds, but were tribal funds, and that was the reason for them being so large at Fort Berthold.

Mr. HOLMES. Well, I think I have clarified that here this morning. That may or may not apply to any one reservation.

As I said yesterday, it may apply to one reservation, and it may not. If I didn't make that clear yesterday, I think I have this morning.

I think one thing that could be immediately pointed out from your chart here, Mr. Hart, is that there are about 9,000 enrolled Turtle Mountain Indians on approximately 2 townships of lands. There are approximately 2,800 enrolled Fort Berthold Indians scattered over about 5 counties, more or less.

That might affect the figures and might not. I don't know.

I don't know anything about this chart. Just looking at it I don't know where it was prepared or anything at all about it, and, as I have said, these are all figures that are a matter of record, and it certainly can be determined from the record and a record made from the record which will be fair and accurate, prepared by some auditor.

I don't know what these figures are, and I don't know what the significance of these figures is.

Mr. CHUMBRIS. Could your Aberdeen office prepare a statement and submit it at a later date to the subcommittee, a statement which would show the amount of money for each reservation and how much it is per capita?

Mr. HOLMES. Yes, we could. We can give you that detailed information.

What shows in this I suspect is not necessarily true of what might be on the reservation today. Employees are transferred from one reservation to the other occasionally as the need may require.

Even though the budget sometimes showed a certain figure for a certain reservation, law and order might transfer another man to that reservation if the situation required it at a later date.

We can give you that definite information and will be glad to do so.

Mr. HART. Mr. Chairman, to clarify a further suspicion cast on that record by Mr. Holmes, I wish to inform Mr. Holmes that the statistics as to population used for both Fort Berthold and for Turtle Mountain were not enrollment figures, but 1950 census figures as to Indians.

I wish to make that clear in the record here so that that implication is understood by anyone reading the record.

Mr. HOLMES. Of course, Mr. Hart, there is a larger population at Turtle Mountain than at Fort Berthold.

Mr. HART. If you would use enrollment on both, you would find that the figures would be 45 times as much.

Mr. LANDBLOOM. Could we have this population figure for the two reservations?

Mr. MILLS. Do you have the figure between the enrolled and census figures at Turtle Mountain? What are the figures?

Mr. HOLMES. I don't know what the figures are.

Mr. MILLS. Is there quite a discrepancy between the number that the Bureau classifies as enrolled there and the number that are actually there.

Mr. HOLMES. Well, there is always a difference. A lot of the enrolled members are always away from the reservation. Just how much that is at any particular time is a little difficult to arrive at.

The Census Bureau sometimes has trouble in determining who is an Indian, but I suppose they have a definite way of working it out.

As I say, it is all matter of record.

Mr. CHUMBRIS. In accordance with the report with respect to House resolution authorizing the Committee on Interior and Insular Affairs to conduct an investigation of the Bureau of Indian Affairs, pursuant to House Resolution 698, 82d Congress, it shows that the total number on tribal rolls residents on the reservation is 6,000 at Turtle Mountain and total number of enrolled Indians 9,000, of which 3,476 are under 16 years of age.

At Fort Totten the population figures shows total number on tribal rolls, actual figures, 1,200. Total number of Indians of each reservation, 1,200, of which 461 are under 18 years of age.

That is Fort Totten.

Mr. HOLMES. We are discussing offhand figures that are a matter of record.

There is always some danger in doing that because you are quoting from memory figures that are a matter of record.

I say get the record.

Chairman LANGER. Let us get Fort Berthold in there, too. We have had that testimony once. Let us get it again.

Mr. MILLS. My problem, Mr. Holmes, is that there seems to be 9,000 according to the Indian Bureau and 4,400 according to the census figure and I was wondering if their figures are accurate, or what happened?

Mr. HOLMES. The ones resident and ones enrolled are different. There are a lot of enrolled Indians not living on the reservation.

Mr. CHUMBRIS. The breakdown on Fort Berthold is as follows:

As of January 16, 1950, there were 2,368 enrolled Indians.

Mr. HOLMES. I might add that they continue to enroll. They are enrolling every day. That figure is constantly going up.

To determine the exact enrollment at any one time you have to look that day.

Mr. MILLS. They also unenroll as people die, I presume.

Mr. HOLMES. I suspect that the rolls are not maintained perfectly up to date as to that.

Chairman LANGER. You can get all these figures from the superintendent. We have had the testimony already in each case. It is in the record now as to how many you have at each place.

Mr. HOLMES. We are talking from memory on a thing that is a matter of record.

Chairman LANGER. You may proceed.

Mr. CHUMBRIS. Do you have any further questions of Mr. Shane?

Mr. HART. Yes.

You mentioned that in your opinion the juvenile delinquency is about the same on the Fort Berthold Indian Reservation as among the non-Indians off the reservation. That is your opinion from your observation?

Mr. SHANE. That is my opinion, yes.

Mr. HART. In your opinion, then, illegitimacy does not reflect conditions of juvenile delinquency? I am asking you about the same question I asked Orlie Comeau and you should be adequately warned on the matter.

Mr. SHANE. I think there is a variance in culture there that has something to do with it. In the white man's culture when you have a case of an unwed mother we usually have a shotgun wedding and take care of it.

In the Indian's culture they don't do that. I don't think if you were to get complete figures on the number of unwed mother situation or situations that developed which would have ended up in illegitimacy if they hadn't had the shotgun wedding, I think the two figures would not differ.

Mr. HART. That is your assumption?

Mr. SHANE. That is my opinion.

Mr. HART. That is all.

Mr. CHUMBRIS. Thank you, Mr. Shane.

Mr. Onsrud.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ONSRUD. I do.

**TESTIMONY OF CARLYLE D. ONSRUD, EXECUTIVE DIRECTOR,
NORTH DAKOTA STATE WELFARE BOARD**

Chairman LANGER. Mr. Onsrud, I asked you to have here today a report in connection with credit and small loans. Do you have that here?

Mr. ONSRUD. I have that here, Senator.

Chairman LANGER. Would you produce that. I want to make that a part of the file. [Handing document.]

Mr. ONSRUD. I also would like before you ask questions to mention a couple of other exhibits.

One, we have a complete record of recent years in connection with payments of public assistance on Indian reservations, plus a quite comprehensive report or an ADC study that a State welfare board made in November 1953.

We have a complete set. There are a lot of figures and I thought maybe I ought to introduce that in the record.

Mr. Ovre, do you have that complete set there? There are a lot of figures.

Chairman LANGER. I want to say that your assistant has been very, very helpful at the meetings at New Town and at Rolla.

He did a very fine job and I want to thank you for placing him at the subcommittee's disposal.

Naturally he could not be as good as you yourself, but he was a very good substitute.

Mr. ONSRUD. Thank you.

There is one more matter in regard to the testimony that was given at Fort Yates in connection with the mobile health units and the transfer of the hospital service from the Bureau of Indian Affairs to the Department of Health and Welfare.

Mr. Svore, I just noticed, came in and I talked to him and he will have some material on that.

There was some ambiguity at Fort Yates as you remember, on that point. He will have that for you.

Mr. CHUMBRIS. For the record will you state your full name.

Mr. ONSRUD. My name is Carlyle D. Onsrud.

Mr. CHUMBRIS. Where do you reside?

Mr. ONSRUD. Bismarck.

Mr. CHUMBRIS. Your official capacity?

Mr. ONSRUD. Executive director of the State Welfare Board.

Mr. CHUMBRIS. How long have you served in that capacity?

Mr. ONSRUD. About 8, 9 years.

Mr. CHUMBRIS. Previous to that time, were you employed by the welfare board?

Mr. ONSRUD. I was administrative assistant.

Chairman LANGER. For how many years?

Mr. ONSRUD. About 3 years, I think it was, approximately.

Mr. CHUMBRIS. Now, you understand the nature of these hearings. You and your assistants have followed them for the 4 days that we have been holding them.

Mr. ONSRUD. That is right.

Mr. CHUMBRIS. Will you state to the subcommittee the various reports that you have before you and amplify them in whatever way that

you wish to bring out the full picture of public welfare in the State of North Dakota as it affects the Indian population?

Mr. ONSRUD. Well, perhaps I could spend just a very brief 2 or 3 minutes. I think it would be important to orient the State welfare board's operation in connection with the reservation counties.

Chairman LANGER. Mr. Onsrud, you take all the time you want. We have all day and want to be sure you have every opportunity to express what you have.

Mr. ONSRUD. In the first place, the State welfare board was organized by the State legislature in 1935, primarily because, I think of the passage of the Social Security Act in the same year by Congress.

Coincident with the establishment of the State welfare board and the 53 county welfare boards, there was the passage of the social-security program in the enactment or establishment of the public assistance programs of old-age assistance, aid to the blind, and aid to dependent children, and also the programs of child-welfare service and crippled childrens' services as well as maternal and child health services and old-age and survivors insurance programs and the various facets of compensation.

Up to that time as far as I can find from my experience and our records, the State of North Dakota and the counties of North Dakota had little officially to do with the problem of Indian welfare.

Presumably the Bureau of Indian Affairs through its national, regional, and reservation superintendents had exclusive jurisdiction and responsibility over that matter.

With the passage of the Social Security Act it was provided that all people in all counties in all States, which was important because it has to be established in all counties of every State, for certain categories, all those over 65 and in need, all those blind, and all those where there were mothers with dependent children, or if the mother was dead and the father disabled, fathers with dependent children, would get public assistance.

Intrinsic in the whole program by the Federal act was the fact that standards of requirements for necessities of life, such as food and clothing, and so forth, had to be alike, whites, Indians, Mexicans, county to county.

If we have a food standard based on prices in North Dakota the standard in Slope County has to be the same as the standard in Cass County.

There cannot be variations in the basic pattern. At the same time that this was done, the Bureau of Indian Affairs, therefore, as you can see, were relieved of certain, you might say, public assistance.

It immediately covered all unemployables except for disabled people.

In 1950, H. R. 6000 was passed by the Congress, signed by the President in September, and the aid to the permanently and totally disabled program was established.

It remained for the States, of course, to accept it and North Dakota accepted it with alacrity in the 1951 session of the legislature so that another load was taken from the Federal Bureau of Indian Affairs and the Department of the Interior, another load of welfare as well as another load from the county commissioners in North Dakota in the counties of Cass and Slope, and so forth.

All those who were disabled and had not been able to be eligible under the other three programs were also taken up.

Still remaining in the public-assistance area and still remaining is the general-assistance problem. It is more of a problem than it is a program.

Of course, people on Indian reservations that are not over 65, that are not blind, that are not disabled and do not come under the ADC category, and that are in need presumably in North Dakota, are expected to receive their assistance through general assistance presumably provided by the Bureau of Indian Affairs.

Now, in child welfare the same rules that bring to public assistance with Federal social-security funds also applied to child welfare. The child-welfare services was a program by which the Federal Government in connection with the States cooperates with the counties in providing child-welfare workers, community services consultants, depending on the degree of the advancement of child-welfare services in any State of any county it was, of course, immediately available with all due regard to the extent of the program in each State to the Indian reservations.

Likewise, crippled children services were available to all of the Indian reservations as well as all the other counties.

Now, when I took over my present position we had a contract under the Johnson-O'Mahoney Act by which we provided to the Indian reservations in North Dakota 50 percent reimbursement for social workers on the reservations as we could get them and as they were asked for by the Bureau of Indian Affairs, and some years ago we unilaterally abrogated the contract we think the present arrangement is better, and I will give the present arrangement.

The reasons why we quit supplying 50 percent of the funds of the workers on Indian reservations in North Dakota was that it was our experience that these workers who presumably were supposed to do child-welfare services work, crippled children services work, and the public-assistance programs, were pretty much engaged in the general assistance problem, and our people in our program in public assistance and the child welfare thought and felt that the arrangement was not producing the results that it was intended to produce.

Consequently, we abrogated the contract. That is, we did not sign up some years ago and the result is that now we supply through State welfare funds, child-welfare workers to the reservations if we have them. They are hard to get. If they are requested we supply them to the county welfare board and it is 100 percent State funds.

We also supply through the general-assistance appropriation of the State welfare board caseworkers other than child-welfare workers who work on the public-assistance programs and we pay them 100 percent.

Then the Bureau of Indian Affairs pays 100 percent for the workers in connection with Indian assistance. So much for the pattern, the backdrop against which the State welfare board has contact with the Indian problem.

Now, what does that result in? Well, with just 2 or 3 words about the program and how they have been operated, we, of course, give the same benefits, no more, no less, to those Indians who need public assistance, crippled children and child-welfare services.

In fact, I sometimes think that we provide better child-welfare services funds to reservation counties than we do to the State as a whole, because there are many areas in North Dakota, because wel-

fare workers are hard to obtain, that do not have child-welfare workers, and we do have some on the reservations.

Indian assistance, as everybody in North Dakota knows, has always been a bugaboo because of the fact that general assistance per se is hard to administer, white or Indian, because a few years ago the Federal Government did not provide enough funds and after funds became more adequate, due in part to more punctual appropriations, and due in part to less tough winters, we still have the potential of difficulty in that area.

Now, what we discovered about the so-called Indian problems is this: We have discovered that in trying to provide food to kids that our efforts have been misinterpreted in many quarters. Even Indian leaders themselves have been concerned, have talked to me and talked to our staff and our board and our county executive secretaries about the so-called ADC problem.

We don't think officially or substantively that the ADC problem is the cause of any kind of delinquency, adult or juvenile.

We think that the ADC program is handicapped. It is a good program. It is a nice program. It is a vital program for any kind that needs food.

We think that it is handicapped because here is what the United States and the State of North Dakota, mind you in 1935 and 1936, they projected a Federal-State program into areas that had lived in a clapboard for generations. They provided in the very law and in the very philosophy of the social security public-assistance program that the Indian child would get as much as the white child, no more, no less.

What was the result? It was true, it was accurate, and it was precise that the money that they got was more money than any of them had ever seen. Not that it was too much, but it probably was too much in comparison with what they had received before and only a stupid man would predict that anything wouldn't happen that did happen, namely, that there was waste sometimes; that there was a moving in on the part of other Indians, some of whom didn't get enough from the Bureau of Indian Affairs in general-assistance areas into the home that was provided adequately on the basis of standard by the State welfare programs, and the result was that another criticism we heard was that you are putting money into a home and everybody is coming and eating on it.

Well, what we did, what society did, was to take the calculated risk that by providing food to people that needed it, that there were going to be some untoward results and, of course, we got them.

Well, our first reaction when the fur started to fly was to get a little bit on the decisive and say, which is human nature, that we didn't make the law or the rules and leave us alone. We have enough troubles.

Pretty soon we got aggressive and we began to inquire. You want to remember that the State welfare board did not at first have very much understanding of Indian reservations. They had not been under our focus. It was only the projection of our programs with what they called "a large amount of money" that we became in the limelight so to speak.

So after looking the situation over we said, "This doesn't make sense. All we are trying to do is feed people and now not everybody

but a lot of people are mad at us because they say there is too much money going in and it is not being handled properly."

We decided to look at the conditions and what did we find?

You have heard from the executive secretary of our county welfare boards in the last few days about conditions.

You have heard from Indian leaders and from all other whites that there is poor housing; that there is not law enforcement, and if there is, it is ambiguous; that there is a lack of recreational facilities; that the whole tone of Indian affairs in North Dakota and in the United States is governed by one word and that is indecisiveness.

I haven't found one person who is a so-called expert on Indian affairs including the Bureau of Indian Affairs, that has at this time something solid to offer.

When you project thousands of dollars into reservations that haven't adequate housing, that have in some areas a sort of a charming hopelessness about them, you can't expect anything but bad results.

So we started to look over the law-enforcement area. We asked lawyers. We asked judges. We asked State's attorneys, what is this that we hear? When people from Fort Totten come down to the North Dakota Indian Affairs Commission and beg the commission to try and do something about certain things that happen on the reservations because they say, "We have no protection if people come to our houses drunk at 12 o'clock at night and knock on the door and come in and beat up the wife or push the old people around, who is going to protect us?"

If the State welfare boards and county welfare boards put money into an Indian reservation where there is not adequate law enforcement or there is ambiguity, where housing is poor, where kids go to a day school that is nice and come home to a home that is not nice, that is the sort of environment in which we have been operating welfare programs.

We have no defense that sometimes in some instances no doubt public assistance is sometimes a bad situation in certain families. Not that it doesn't provide food, but that it does sometimes create difficulty because of other conditions and enhancement of profligacy, or something like that.

The point we are making is that no one in their right mind would recommend that we ever pull public assistance out of Indian reservations. It is a cinch that we have a responsibility to feed old people and children and disabled and blind. We even feed our prisoners of war.

So that the problem as we see it is that we are patiently in public welfare in North Dakota waiting for the Federal Government and the State government, the county government and the Indian people, the Indian leaders themselves to destroy this indecisiveness, to start getting a move on getting this problem solved.

There is too much comfort in waiting for next week and we in the State welfare board are not experts, but from our experience and the reports we get from the people that come in to talk to us from the counties, from the reports we get from Mr. Hart, don't think it is good to ad infinitum keep clapboards around people.

I want to say for Mr. Glen Emmonds that I got to know him for about a year and I think he is very sincere in trying to do something

about this problem, but we don't think it is good to have these people, these children in this condition.

We are more interested in the children than we are in the older people. We are more interested in white children and Indian children than in adults. We don't think it is good to continue this thing and we wonder when we are going to start getting a program laid out where these children can grow up like other children with the same protection from the law, the same kind of housing, and the same kind of education, health, and other facilities.

Now, I wanted to stress that we do not pose as Indian experts. We get confused, but we do think we have learned enough to advocate that if there is any program that is going to gradually disintegrate a reservation, let's not create another reservation in a city.

I see no good in having people relocated and relocated on the wrong side of the tract together. I think the matter of juvenile delinquency is not as important to North Dakota as the matter of adult delinquency.

The matter of illegitimacy and desertions are well reflected in the charts that I presented. There are some figures showing the out-of-wedlock births, the desertions, and those are not juvenile delinquencies.

Those are adult delinquencies.

The danger isn't necessarily that you count the number of people or the number of children that have committed a crime, or a misdemeanor. That is not the point. That is not as important as the psychological effect of children that have never maybe been into court living in conditions like that.

It has a tendency we think to foster and enhance what we call in some instances a sort of charming hopelessness and I don't think that that is good in present-day America.

Now, I don't know. You might have some questions, Mr. Chumbris. That is briefly our view of the matter. We are concerned about a continuity year after year of these conditions.

We have seen the housing. It is terrible. We have seen the housing in Fort Yates. We have seen it at Turtle Mountain. We have seen some of the housing in cities in North Dakota, and it is not much better. It is not going to help the program to relocate them if they are going to relocate in a skidrow area or slum area of a city.

Then I think you will get juvenile delinquency because you are going to get all the contacts of the city to synchronize with the poverty of the environment and then you will get what you have in the big cities, real true blood juvenile delinquency.

So I say if your law enforcement men, if Melvin Christianson from Benson County, or Lloyd Thompson can give you figures on training school, that may be important, but that is not half as important to us as the environment that these children live in and grow up in and the hopelessness that goes with poor housing and the other lack of facilities that the Indian people have had.

MR. CHUMBRIS. In other words, you are more interested in the prevention stage than the corrective?

MR. ONSRUD. That is right. I don't think we can put all our eggs in one basket.

I don't agree with some people that say that law enforcement is not a problem. When I have heard outstanding lawyers in North Dakota sit down and argue about who is boss on various offices. If blue ribbon

attorneys can't agree on who is boss when X case comes up, how in the devil is a harassed sheriff going to know where to go.

I am talking about under the 10 major crimes. We hope that somebody bootstraps this thing and gets this moving.

I don't think anybody agrees that we want to keep reservations on ad infinitum. If everybody agrees to that the next premise is when and if everybody agrees that the longer the lag the more kids get to be the hostages to our indecisiveness, then the answer to the second premise is let's get going as fast as we can in view of the difficulties we will have between levels of growth, between social patterns, and so forth.

MR. CHUMBRIS. You have seen this picture over a period of years in your official capacity.

Can you give us your opinion as to whether any progress is being made and what recommendations you would make to this subcommittee as to how we could improve that condition?

MR. ONSRUD. Well, as I said, our contact with the Indian problem is pretty much just one facet of the problem. I think more important in the process, Mr. Chairman, and Mr. Chumbris, is the tone, the vigor, and the sincerity with which the leading architects of action would do the job.

By that I mean there has to be give and take. The Federal Government, the State and county governments, and the Indian leaders have to take calculated risks.

They have to have enough spirit left in them of adventure and there has to be the willingness of the Indian people themselves; and I think there is.

I think most Indian parents want something better for their children than they have been getting. If they are going to get something better for their children, there is going to have to be a tone of cooperation which recognizes that the Federal Government, the State and counties, and the Indian leaders themselves are going to have to sacrifice something for those benefits.

If we have to wait for unanimous agreement where everybody gets his own particular principle or process inserted into the contract, that has been what is happening. That has been happening.

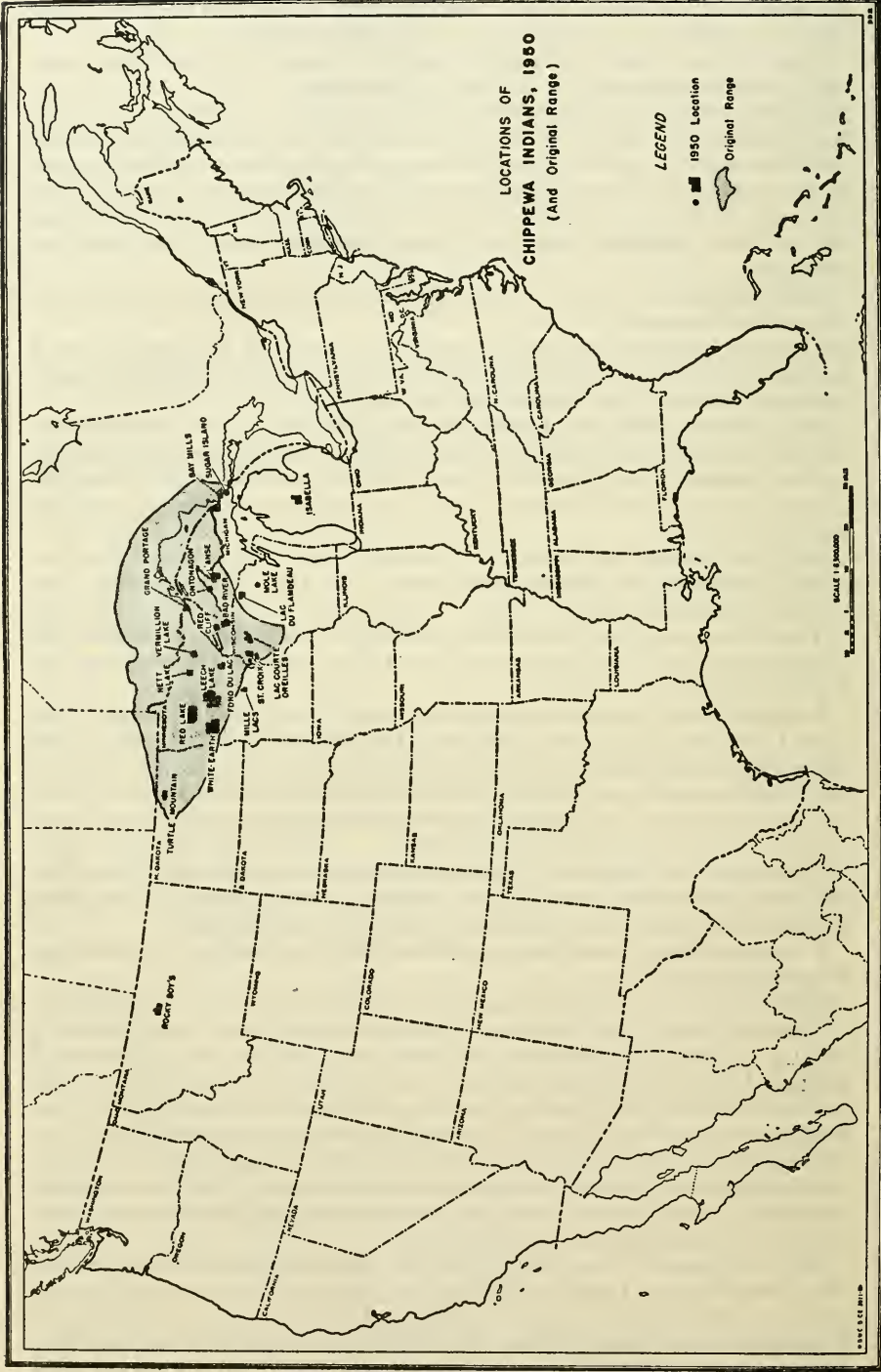
I imagine there have been a million plans in the last 75 years, but what happens?

They go up in smoke because there isn't that spirit of cooperation.

We talk about the State and counties taking over sometime and having a scheduled transition, but, despite irritations at the Bureau of Indian Affairs, which are many, and I think many times very well justified, I think the State and counties also have to show that they are willing to take a little hurt in a schedule transition of this thing.

You see, we are handicapped in one thing in State welfare. From my standpoint it is that I am not a great operator. I am an administrator and I don't have that contact with Indian people themselves that say Garmann Jorgenson would have.

MR. CHUMBRIS. Now, the report on House regulation authorizing the Committee on Interior and Insular Affairs to conduct an investigation of the Bureau of Indian Affairs, Union Calendar No. 790, has a group of charts and in these charts it indicates where the Chippewa Indians are now located here in Turtle Mountain and the shaded area



indicates where they originally came from, which, according to this map (see map, p. 376) indicates Canada, almost the entire northeast section of North Dakota, almost the entire northern half of Minnesota, and it goes into Wisconsin and maybe part of Michigan and eventually all of these Chippewas were put over into Turtle Mountain, which places on Rolette County, if they were to assume full jurisdiction of law and order and other services to the Indians, an undue burden in taking care of what was the problem of 2 major countries, the United States and Canada, and of 3 major States, into 1 county.

Have you any observations to make as to how a county would be able to assume this burden?

Mr. ONSRUD. By State and county I did not talk about physical responsibility because I think it is well reflected in our own office and in our own processes that Rolette County and Sioux County would be in no position to take over for many years to come, as far as we know, any physical responsibility in any transition in responsibility for various services for Indian people on the reservation, and scattered across the State, there would, of course, have to be a gradual assuming of responsibility by the State and county.

Since Rolette County is not fiscally liable there would have to be a gradual assumption of responsibility by the State.

One of the State senators in our State suggested to Mr. Dillon Myer a couple of years ago at a meeting of the North Dakota Indian Affairs Commission a practical approach on the basis of 10 years or 20 years, whatever years, there be a schedule of less return to the State in regard to various services so that the State could accommodate its tax pattern to the situation.

The technical details could be worked out by the proper tax officials of the State and county and so forth.

You see, the hovering near of the problem by State and county is legitimate. They have a lot of taxes now and a lot of functions and services plus the continuation of the problem year after year.

That reduces to impasse and nothing happens.

It seems to me that in the long run not only talking about humanitarian standpoints, but from the practical business standpoint, that there is to be sometimes, somewhere an assumption by the State and counties, and we will leave the counties of Rolette and Sioux out because of fiscal reasons for many years to come.

Chairman LANGER. Mr. Onsrud, why should North Dakota pay for Indians that were piled into Rolette County from Wisconsin, Minnesota, and Canada? Is not that a Federal problem?

Mr. ONSRUD. I think it is a Federal problem, Senator Langer, but the point that I think very convincingly to myself, is that even though it is a Federal problem and the Federal Government should completely take care of the functions that it does not, that sometime there is going to have to be a transition to the State.

What I am saying is that the State can't assume any Federal burden, Senator, at this time, nor in the next 5 years, or probably in the next 10 years.

What I am asking is that we start with the assumption that eventually it will.

I would like to see the Bureau of Indian Affairs eventually eliminated and I agree with Mr. Joe Wicks on the point that there will be

a continuation ad infinitum of that Bureau unless there is a plan made for the eventual undertaking of these functions by the State and counties.

I see no reason in a country that is supposed to be progressive like we are, a country where we are supposed to have tolerance that we have ad infinitum a Bureau of Indian Affairs.

I don't think this problem is a racial problem. I think if you put a lot of whites in Turtle Mountain and clamped them up for a few years, you would have the same situation.

I have heard Garmann Jorgenson say if that happened to a bunch of whites he would pull out, because he might have a worse situation.

I met with our own budget committee yesterday and it is a cinch that the State of North Dakota is in no position to undertake the things that the Bureau of Indian Affairs is doing for the Indians now, but I don't think the fact that we cannot do it now should prevent us from planning as to when we should do it.

Mr. CHUMBRIS. Mr. Onsrud, there is another interesting chart, to give you a footnote on what we are discussing here. The Delaware Indians, who were originally located in Delaware County in the eastern part of Pennsylvania and part of New York, are moved into Oklahoma (see map, p. 379) and on the same theory the thinking of the people in the eastern part of the country is, "Why should we concern ourselves with appropriations for Indians, because they are not in the eastern part of the country, but they came from the East, and Oklahoma will have to assume the burden?"

So it is ironic that eastern people will say, "Why should we concern ourselves with that problem?" but originally the Delaware Indians came from the heart of the most thickly populated and probably the richest States in the United States.

Mr. ONSRUD. I agree, and if the State of Colorado has a drought there is no reason why the Federal Government should not step in. If the State of Colorado can't handle a sudden emergency, there is no reason why the State of North Dakota should kick if there is an emergency and say that we are helping Colorado and not North Dakota.

I think that is a function of the Federal Government.

Chairman LANGER. Mr. Hart, you have some questions?

Mr. HART. Yes.

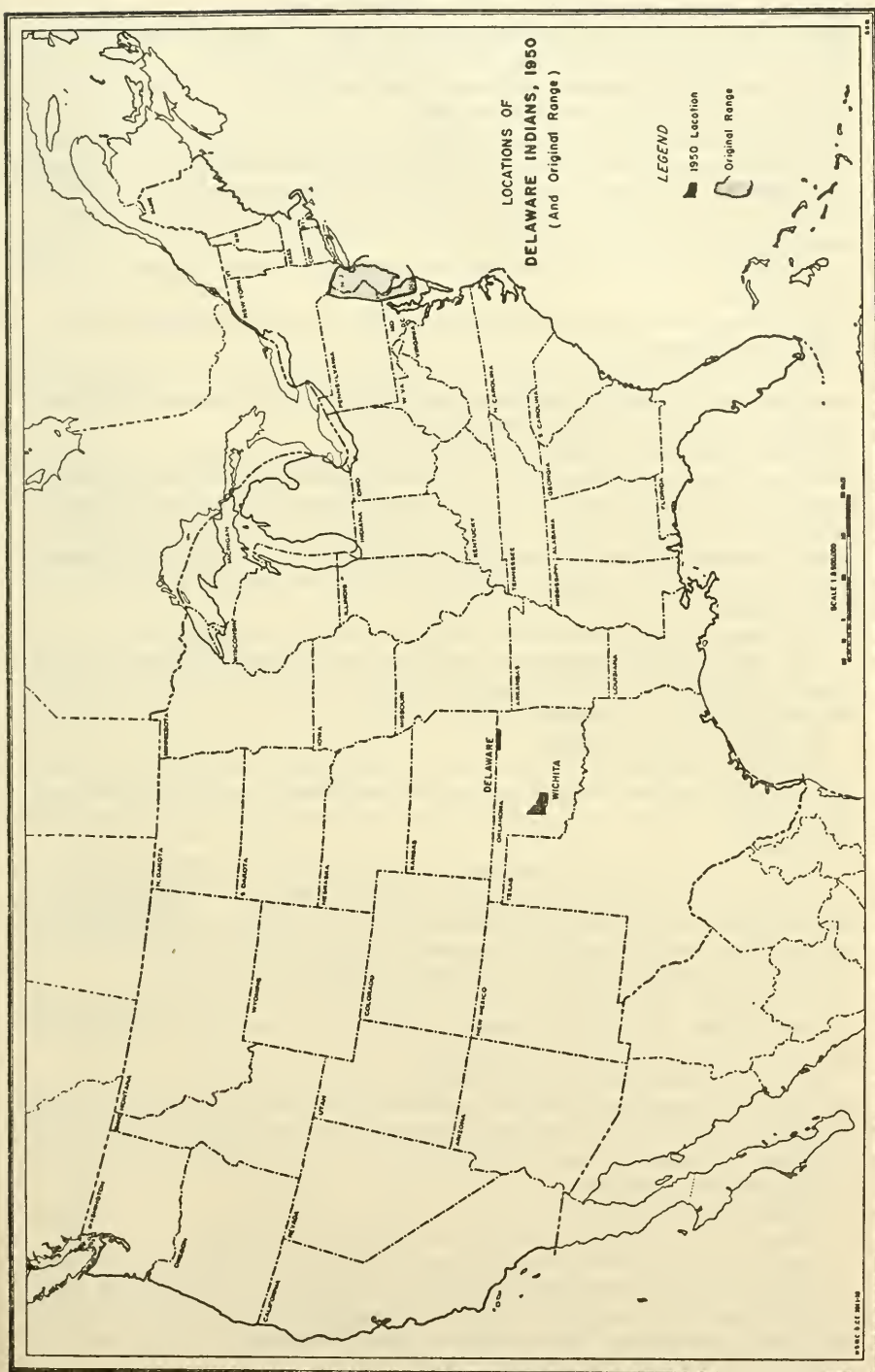
Mr. Onsrud, during the last session of the legislature there were some figures thrown around, one of which I remember. It was something to this effect: That 18 percent of all of the money appropriated by the State legislature for the aid to dependent children went to recipients who constituted less than 1.7 percent of the population of the State for the fiscal year ending June 30, 1952.

Do you have any figures on that?

Mr. ONSRUD. I don't think we have that exact figure, John, in the exhibit that I prepared. Where did those figures come from, probably our department?

Mr. HART. That is correct.

Mr. ONSRUD. If they come from our department, they are probably right, because we have good research people. What I was going to say was that the exhibit that I have given to the committee indicates that there is, of course, naturally, as I say, a greater proportion of



Indian people in those areas getting ADC than others, but the funny part of it is that there has been a reduction in some of those figures from the 1951-54 period when the report was made.

We find that in some instances there has been an increase in the last 2 years of whites over the Indians.

Now, in connection with these figures, and there are so many that I hesitate to start cluttering up the record twice with this. I am amazed that our executive secretaries are doing as good a job as they are if by doing a good job we mean screening applicants pretty carefully.

If I can find the right chart here among all these charts, I will explain that.

Mr. HART. As far as I am concerned, it is not necessary for you to find the chart.

Mr. ONSRUD. What I wanted to say had to do with the large percentage, for instance, in Rolette County—the large number of Indian children that are reflected in these charts.

Even though the number of Indian children as compared to white children is large, getting ADC, it looks like there has been a pretty tough screening job done by the Rolette County Welfare Board when you take the total number of Indian children and the comparatively small percent of the Indian children getting ADC, especially when you know what the housing situation and other conditions are on that reservation.

So I have two conclusions to make from that set of figures:

One, conditions are bad; two, in spite of them being bad the Rolette County Welfare Board is doing a pretty good job, if by doing a good job we say that it is screening pretty tightly.

Mr. HART. That is right.

The next question I have to ask is: Just how does that law and order on the reservation, or lack of law and order on the reservation, affect your welfare programs or the potentiality of your welfare programs?

By way of example, if the State is putting in through the welfare programs aid to dependent children, and there is a lack of law enforcement with the result that there is illegitimate cohabitation, and so forth, which would be normally controlled if there were law and order, does that affect your welfare program costwise?

Mr. ONSRUD. Well, trying to make a professional research approach to lack of law and order caused by either (1) ambiguity or (2) no law and order in itself, is very difficult.

We think that when we put funds into a reservation and a county and when we put services in a situation that has existed, has been reported by our county welfare directors, that itself shows that there is lack of discipline, there is lack of concern for ordinary living on the part of some people.

If there isn't restraint of a minimum of discipline you will have, comparatively speaking, a maximum of family discipline.

Now, we don't think that it is good to have a situation that was reported to us some months ago where a man got drunk, went into an ADC mother's home at 12 o'clock at night, and they finally called the sheriff and found these little children barefoot running around in the snow at midnight scared to death.

We maintain that the least of our concern is the fact that maybe some money is being spent wrong. The most of our concern is that in 1954 in present-day America, things like that can happen.

I think it is a sad commentary on the whole situation. Any situation that is allowed to continue with all the sophistry that goes with the argument that we can't do anything now, is, in effect, cruel on little children, cruel on people that have a right to ordinary protection.

I want to say that I think that the States' attorneys do the best job they can do. I think Melvin Christianson and Howard Stormon and the rest of those fellows are trying to do the best they can.

The problem is big; the facilities are low.

Just a few months ago, as you remember, Mr. Hart, we didn't even know for sure what the status of Fort Totten was, Federal and State and county, jurisdictionalwise. We just got an attorney general's opinion and I can remember 2 years ago Benson County commissioners and other officials coming to the North Dakota Indian Affairs Commission presuming that they had, because of some compact made some years ago, the responsibility for law enforcement without the money to carry it out.

Now, it appears according to this latest attorney general's opinion that they didn't have it in the first place, so that that meeting that we had with Dillon Myer was completely academic, apparently.

Mr. HART. Assume there are 10 families on the reservation and the fathers have deserted. Now, with the fathers deserting, these families would qualify otherwise for aid to dependent children. If there were an effective law enforcement system which would return and force five of those fathers to support the families, would that make available the funds that you have for expanding your program, or would it save money to the State?

I am thinking financialwise now, not moralwise or anything like that.

Does law enforcement have an effect on the amount of money you, as State director, pay out?

Mr. ONSRUD. I don't think there is any doubt that when there is no attempt made to prosecute a deserting father that social matters are just like social physics. You go one way or the other. You don't stand in the center and, if the pattern is that you don't make a father live up to his responsibilities you have only one way to go with the pull of social physics.

That means more of the same.

I might add, Mr. Hart, that under the 1950 enactment of H. R. 6000 by Congress, they provided that the State welfare board and county welfare boards when the person received ADC, white, Indian, or any race, came to ask for ADC and if the primary cause for asking for ADC was a deserting father that the name and situation be turned over to, in this State, the State's attorneys of the counties involved.

I might mention that we made a study of the effect of that law from 1951 when our own North Dakota legislature enacted the enabling legislation by Federal mandate, from 1951 to 1952, and there was just a little diminimus amount of effects that resulted from that.

In other words, we referred, we were the road guide by law to law enforcement in connection with deserting fathers. I am talking about whites and Indians, all of them.

But the results have not been very good. So we have instituted a study of the effects of our reference to the 53 different States attorneys from 1951 to 1954 and when we get the results we are going to publish that to the various interested agencies and organizations.

I might add that the Federal Government has decided that after we set up our schedules they are going to make a study of the same thing.

In other words, the county welfare boards in America, if a person comes and asks for ADC, whether white, Indian, Negro, any race, and the primary cause a deserting father, they are, by law, required to present the case to the State's attorney.

Of course, it is not the duty of the welfare board to enforce the law. It is our job to provide the green light to law.

Mr. HART. Where you have an effective law-enforcement system, that does supplement and make your program more effective and your program cannot be effective without it.

Mr. ONSRUD. That is right. I might say there is one more ingredient that you have to put in. We saw prohibition, and even OPA and OPS, and unless your community is pretty much aware of the implications of family breakups and therefore are determined that something be done, a State's attorney or anybody else does not have the backing of his community and he has to have it.

There are instances, as you know, because you have been a State's attorney, where the public blows hot and cold on prosecutions.

A very primary ingredient is your community interest and the community interest will only be found by a recognition of the implications of family breakup.

Mr. HART. Now, the same statement that you made regarding deserting fathers would, I presume, hold true as to effectiveness in the area of establishment of paternity for illegitimate children and forcing where possible the support of this child by the parent.

Mr. ONSRUD. That is right.

Now, I am confused, Mr. Hart, about this establishment of paternity, et cetera. It seems to me that is mixed up in the various jurisdictions. Is that true? Is there a tribal court procedure on that?

Mr. HART. The tribal courts on the reservations have jurisdiction for nonsupport, and also for establishment of paternity.

The point I was trying to make is that if there is a breakdown of this law enforcement in this segregated reservation area, but you still put aid and assistance in there, your problems are affected moneywise by this breakdown or failure of this element here.

Mr. ONSRUD. The public welfare program is affected by the ebbs and tides and whims and caprices of all other agencies practically, and law enforcement is one of them.

Mr. HART. That is all.

Chairman LANGER. Mr. Onsrud, in connection with the deserting fathers, Mr. Keating, the district attorney in Denver, testified that 47 fathers skipped to California last year and, as I recollect his testimony, in only 1 or 2 cases were the fathers brought back.

Do you have that same problem?

Mr. ONSRUD. Yes, Senator; if you would like, I can send you the results of our first year. When we make our study we will send you the results of what we find for the 4 years.

This is in no sense a criticism of State's attorneys. Boy, these deals are tough. You are dealing not only with law enforcement as Mr. Hart and I recognize. It is your community awareness of this.

We get to be sort of insulated by some of these situations and think, "Shaw, let them go."

Chairman LANGER. Mr. Keating testified that he favored a law and he drew it up and sent it to me, and I introduced a bill which made it a Federal crime for a father to go across the State line.

In other words, it would be up to the Federal Government to bring these fathers back on the theory that the Federal Government contributes part of the money to take care of these children and the wife.

Do you favor such legislation?

Mr. ONSRUD. I have heard of it and ordinarily my philosophy is generally to keep the Federal Government out as much as possible from what would ordinarily be a State responsibility.

However, I don't think you can quibble with the problem. You see, it isn't just Indians. We have a lot of white fathers.

Chairman LANGER. These are practically all white.

Mr. ONSRUD. Sometimes an extraordinary problem calls for an extraordinary solution, and maybe that is going to have to be the approach on something like that.

I think the primary concern of public welfare in America isn't good. We are interested, but compared to 15 years ago that is better. The primary problem is the family disorganization, and in public welfare in the next few years you will find the emphasis not going to be on food and clothing.

Chairman LANGER. If you take stolen property across the line or narcotics or, particularly, automobiles, tractors, immediately the FBI becomes involved in it. Yet here the father leaves a family, leaves them to starve as far as he is concerned, and goes off, sometimes with other women, and sometimes without, and the States are helpless.

Mr. Keating testified that the city of Denver was practically helpless in that situation unless you had a Federal law.

Mr. ONSRUD. You know, Senator, the interstate reciprocity conference in Chicago sent out those forms to States by which there could be reciprocity between States by means of getting civil support from the father if the States would cooperate.

Well, for several years I went to the interstate reciprocity session and it was dominated by lawyers and harassed city officials, and many of the lawyers were getting to the point where they said that maybe we should forget about collecting from the father if we find him. If he left Brooklyn and is found in Oakland, Calif., maybe we should forget and have this applied criminally because of the frustration that, even where you had a sort of a tone of reciprocity, you still didn't always get is substantively.

Maybe what you suggested is something that will have to be enacted eventually unless we all improve in our responsibilities to our families and so forth.

Chairman LANGER. Mr. Mills, do you have any questions?

Mr. MILLS. That desertion is actually a pretty cruel crime, isn't it?

Mr. ONSRUD. I think that if a person has a family and some kids, I don't know of any responsibility or can you think of any more basic responsibility than that.

Mr. MILLS. One of the things we had yesterday which showed almost conclusively that the operation in the Fort Totten Reservation on law enforcement was head and shoulders above that at Turtle Mountain was that up to this, the time of this Attorney General's opinion, they were operating on the basis of the State handling it at Turtle Mountain and the tribal court handling it at Standing Rock.

It could be that part is due to the capabilities of Melvin Jorgenson, the State's attorney up there.

However, taking into consideration normal personnel, do you advocate the State handling the law and order, or the tribe handling law and order?

Mr. ONSRUD. Well, here again we all play third base in the bleachers, but I don't know about the immediacy and I would think that what we are after is having all people being treated the same in the same sense with law enforcement, and my whole philosophy is that it should be the State.

Whether there will be a transitional period there, I also think, and that is again my philosophy based on what little I know about that Indian problem, that as soon as possible the State should have jurisdiction. That is, I am cutting out the Federal Government, too.

I think there has to be reimbursement for the transitional period.

Chairman LANGER. Mr. Onsrud, I do not think that anybody made a better study of this problem than Judge Vutz. He was judge for a long time and lived among the Indians in Benson County for some years. Some years before he died he drew up a law and sent it down to Washington and introduced it down there and had it passed, as you know, because you and I discussed it before. In this law he turned the law enforcement over to the officials in Benson County.

Mr. Christianson furnished us with the list of arrests and from January 1, 1953, to October 1, 1954, there was a total of 367, 10 times more arrests there than all the other reservations put together in North Dakota.

These people were punished. Over in Fort Totten, for example, they tried a man for being drunk and breaking a lot of furniture and he got a \$2 fine.

He possibly got a day in jail. They do not put many in jail for longer than that at \$1.75 a day, because they have no jail.

Now, the record over there in Benson County convinced me that the proper way to handle this matter is to have it handled by the State's attorney of a county with reimbursement in some way by the Federal Government.

It certainly is not fair to have Rolette County, or Benson County, or Sioux County, or McLean County, bear this expense.

You take drunken driving for example. In one reservation the testimony should be nobody arrested in the past 6 months for drunken driving.

Here there are 27 on the reservations and 12 off, by Mr. Christianson.

With the death toll going up the way it is, it strikes me that that is of vital importance to the people of North Dakota.

Take an assault and battery, with 23 in Benson County. Yet in another reservation I think we had two, as I recollect the figures. We have the figures all here. The record made under the Judge Vutz

law, to my mind, is so outstanding as far as the chairman of this committee is concerned, that if it can be legally done, I think it certainly should be left to the State's attorney of a county.

Mr. ONSRUD. That, Mr. Chairman, sort of underlines my feeling on it, that it should be State and should not be Federal Government, and there should not be ambiguity.

I think I have heard about Mr. Christianson's progress out there and I think it is outstanding, but it is frustrating when you get them arrested, and they spend a day in jail.

Chairman LANGER. I am not criticizing Aberdeen, but they have one man for Fort Totten and for Turtle Mountain.

Mr. ONSRUD. I am struck by these figures, Senator Langer, because it is crime against person, not the property.

Chairman LANGER. That is it. The 10 major crimes are not included there.

I think Standing Rock has Mr. Murphy down there, and I think he has three reservations, some in South Dakota, to take care of, and it is ridiculous.

You and I, or anyone else, could not go in there and enforce the law over a vast area composed of hundreds of thousands of acres.

It seems to me that the State's attorney and sheriff with the power to appoint deputy sheriffs, if they would be reimbursed properly by the Federal Government, can do the job. The results in Benson County are outstanding.

Mr. MILLS. Now, the Indians there do not vote for the State's attorneys and sheriffs. You are aware of that.

I was wondering whether you believe that the non-Indians would be prejudiced in acting as juries or as State's attorneys, as sheriffs, to an extent that would in any way jeopardize the Indians being tried in a court made up primarily of non-Indnans because of the population.

For example, in Benson County it is 10 non-Indians to 1 Indian. So in that particular county the chances on your jury would be 10 to 1.

Do you think that the people are adjusted so that there would not be a prejudice?

Mr. ONSRUD. The only way I can answer that would be to take the people in this audience that I know. If the people in Benson County, and I think they are, are like the people here in this courtroom this morning, I don't think so.

You always have a percentage, but, of course, your attorney could probably get them off the jury if he was aware, but as far as the per se idea, I have never run across in North Dakota any antipathy or any prejudice against the Indian if he was brought up on a criminal count.

There might be an individual one, but you can get him off.

Chairman LANGER. I might interject and say that in the District of Columbia they have Negroes on the juries and I talked with the lawyers down there and they say there is no prejudice one way or the other.

If the fellow is guilty even though the defendant is a Negro, the Negroes vote guilty and if he is innocent they vote innocent. I think you would find the same situation here.

Mr. ONSRUD. I think so.

Mr. MILLS. Another feature of this welfare proposition is this: I know that you are familiar with the facts, but I don't know whether

you are familiar with the negotiations. Do you remember the insane woman that we saw up at Rolla, the one that was up in the little room with the mattress on the floor and the bed spring over the window?

Mr. ONSRUD. Yes.

Mr. MILLS. What was wrong there? We have had some people testify as to what was going on. What is wrong with the Negroes? Why can't the State and Federal get together?

Mr. ONSRUD. I know that and so does John, but I can repeat it. What is wrong is the same thing that I mentioned earlier, indecisiveness on the part of all levels of government to get together. In this case my understanding was that the Federal Government wanted to play "footsie," and I am using that word advisedly, on the amount of money that they wanted to pay in our State institutions.

The trouble is that the attorney general's opinion that came up to Rolla was all right insofar as it went, except for one thing: They have no control over the Federal Government.

So if the attorney general of North Dakota rules that the county officials cannot incarcerate somebody at the Jamestown State Hospital if he is a ward Indian and the Federal Government wants to disagree, you have an impasse.

So where did they put her? In an infirm home in Rolla which we licensed and we don't license mental wards which we have no right to do.

That lady was there in escrow. She would still be there because the Federal Government didn't give the rates that they should have, but she became sick. She was moved to the hospital.

Mr. MILLS. She has since died?

Mr. ONSRUD. I didn't know that. It was my concern, representing the State welfare board, that you have therefore, an impasse. The attorney general's opinion doesn't affect the Federal Government and if the Bureau of Indian Affairs say this is all we are going to pay, it is kind of hard to blame the State of North Dakota, talking about negotiations, for not saying, "Give us what you think."

My understanding was that the State of North Dakota wanted a certain fee from the Federal Government at Jamestown and the fact that the attorney general had ruled that they couldn't take a ward Indian didn't solve the problem.

Neither did the Bureau of Indian Affairs being adamant about the situation solve the problem. The problem was solved by the county welfare board because it had an old age infirm home.

Mr. MILLS. Testimony showed yesterday that on Turtle Mountain there are four insane not confined at the present time. That might include one 33-year-old feeble-minded person, but they are afraid he is going to molest the children. We can't wait until they die.

Have you any suggestion?

Mr. ONSRUD. I made some suggestion at the meeting of the legislative research committee on mental health laws a few weeks ago. We have the same analogous situation in general assistance. We are not supposed to extend general assistance to Indians in North Dakota because the Federal Government has that responsibility.

However, we have nothing in our law and if there is a case of real suffering that does not prevent us we have extended general assistance even when we didn't have an appropriation from the legislature. We extended it and kept our fingers crossed.

So we didn't know what authority we had. So that even though it is a policy of the State that we expect the Federal Government to supply assistance, we can in a case of emergency do it.

I am afraid that if the attorney general's opinion which is no doubt good, was enacted into law so that the State of North Dakota could not admit to the State hospital anyone that was an enrolled Indian unless the payment was guaranteed, well, you have a sitting duck for an impasse because then you have the Federal Government saying, "We don't pay any attention to the State statute," and the State says, "You can't do it."

What are you going to do with the patient? Garmann Jorgenson has 3 or 4 of them up there. It seems to me that the Bureau of Indian Affairs from my understanding of the contractual arrangements are applying caveat emptor too far, but in applying it too far, you have an open end somewhere and I do not believe in making State statutes so tough that if you want to take care of human misery you cannot.

We have that same principle in general assistance. It makes it hard to administer.

In general assistance if there are not general-assistance funds at some certain time, which might happen this winter, if the Federal Government could say, "Well, the State welfare board can do it. There is no law that they can't," we take the calculated risk that we are able to get the general-assistance funds flowing out, but in case we can't, we are not estopped from extending it.

We can in an emergency. Under this projected law, if there was a State law that you can't bring them in there unless payment is guaranteed and the Federal Government doesn't guarantee because of negotiations, what are you going to do with the woman?

Mr. MILLS. Who negotiates on the part of the State? What are their names?

Mr. ONSRUD. I don't know who negotiated. I know there were involved Rolette County officials. Howard Stroman received the opinion.

I think that Rolette County had a very grave problem to be concerned with because they were thinking about the responsibility of the Federal Government versus the county government, and as ordinary stewards they have to take care of their people and have to render stewardship and manage in dealing with levels of government, but if the Federal Government sits still and says nihil a problem is created and it is easy to criticize county officials because of that.

I speak from experience in general assistance, and if you become too soft in negotiations, if we put it that way, it has been my experience that the Bureau of Indian Affairs immediately comes in and takes advantage of you in the general-assistance area.

Chairman LANGER. Would you like to have a question?

Mr. KASTLER. Yes; I have a question; but I believe it should be directed to the person or persons who were directly concerned with negotiations between the Bureau of Indian Affairs and the State.

Mr. ONSRUD. I think so.

Mr. MILLS. My next question was going to be, Can you name the person who would know who was negotiating because I would like to find out who was negotiating on the part of the Bureau and on the part of the State because the testimony up to this point shows negotiating but I haven't found out who was negotiating?

Mr. HART. Mr. Chairman, I have a general knowledge of that subject. May that question be presented to me?

Chairman LANGER. Would it be the board of administration?

Mr. HART. That is right.

Mr. MILLS. Who on behalf of the Indian Bureau was negotiating? Don't answer now, if you want to check that.

Mr. KASTLER. We will try to find out.

Chairman LANGER. Mr. Thoresen, do you have questions that you wish to ask Mr. Onsrud?

Mr. THORESEN. I don't think so.

Chairman LANGER. Mr. Holmes, Mr. Landbloom?

Mr. HOLMES. No, sir.

Mr. LANDBLOOM. No, sir.

Mr. KASTLER. First of all, I would like to compliment you on your principal statement. I found that it was extremely fair and impartial and shows that you have made a comprehensive study and given much thought to this whole situation. Then I would like to ask you if you recognize the vast cultural difference, which you did in your statement, how do you foresee that the Indian problem could be solved.

In other words, is it an economic problem such that it might be answered by appropriating money and carrying on services for now for the Indian but in the meantime building him a fine home on the level with other community homes and then saying, "You can go out and become a citizen of the State of North Dakota"? Would you comment a little bit on the Indian participation in the thing if you please?

Mr. ONSRUD. Well, again I want to approach a very big, deep, intangible problem like that with due humility because I don't know if anybody, even the anthropologists, who make absolute statements in that area, know what they are talking about or not. Maybe they do, but I think that possibly it could be possible that we are underestimating these Indian people. It could be possible that we say, "My goodness," and we are not speaking accurately about the process that would take place.

We are saying that he is here in Turtle Mountain and he is here in Bismarck and what a chasm. There is not such a chasm. He is not as unresourceful as you think he is. I think we sometimes are indirectly patting ourselves on the back and saying that it is not possible that John Fox can leave Turtle Mountain and come to Bismarck without having a bunch of case workers, doctors, lawyers, and what not, following him around. If he has a job and it is a decent job, maybe there will have to be a little imagination.

We don't want to install everybody by Kiwanis Park and have a skid row. If there is a little imagination maybe somebody in Congress would have ideas about a sprinkling of housing and go and scatter it. John Fox is going to be happy but not if you follow him with a bunch of Indian Bureau and State and county officials.

I think we would be surprised that we have underrated these people.

Mr. KASTLER. We have a policy announced by President Eisenhower himself of consultation with the Indian. I want to ask you if we are unable to develop his ambition or his willingness to come into Bismarck under a public housing agency or anything else, how then should we handle it?

Mr. ONSRUD. It is just like climbing a mountain. There has been the crux of the indecisiveness for the last 75 years. Because we

couldn't see each step after the other, we said we can't do that. When you climb a mountain, you don't do that. If you are sure you consult him, but there are all kinds of people saying "no" all the time whether Indians or whites.

I think if we are going to answer on what is probably a social problem we are never going to get started. They have a right to say "No." If they want to say "No" at Turtle Mountain they have a right to say "No." We have a lot of people about whom our caseworkers were surprised because they won't take baths. I said if they don't want to take baths, let them alone. Maybe they would rather drink beer. You can't figure all your steps ahead of you.

I think you are going to have some of those problems, but they are incidental to the main thing and let us get going on some of this stuff.

Mr. KASTLER. The reason I have asked that question is because you attacked indecisiveness, and I believe that you are right in attacking that.

Mr. ONSRUD. I might say that if anybody gave me the horrible job of trying to plan the steps I would be indecisiveness incarnate, but that has nothing to do with it. The fact remains that we are still indecisive. We talk about world peace and we cannot even solve this problem.

Mr. KASTLER. I think that is extremely correct.

Thank you.

Chairman LANGER. Is there any other statement you want to make?

I want to thank you very much for your excellent statement, Mr. ONSRUD.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in this matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HART. I do.

TESTIMONY OF JOHN B. HART, EXECUTIVE DIRECTOR, NORTH DAKOTA INDIAN AFFAIRS COMMISSION, ROLLA, N. DAK.

Mr. CHUMBRIS. State your name for the record.

Mr. HART. My name is John Hart. I live at Rolla, N. Dak., practice law in Rolla, N. Dak., and am part-time director of the North Dakota Indian Affairs Commission which is an official branch of the government of North Dakota.

Mr. CHUMBRIS. Would you please state when the North Dakota Indian Affairs Commission was established?

Mr. HART. The Indian affairs commission held its first meeting on August 6, 1949. The law creating the commission was passed by the legislature meeting prior to that time.

Mr. CHUMBRIS. How long have you been the executive secretary of the Indian affairs commission?

Mr. HART. Since August 6, 1949.

Mr. CHUMBRIS. And will you state some of your duties and responsibilities as executive secretary?

Mr. HART. The statute creating the commission provides:

1. To study, consider, accumulate, compile, and assemble information on any phase of Indian affairs;

2. To formulate and develop proposals for the benefit of Indians who may be in need of assistance in securing employment in agriculture, business, or other usual occupations, on a self-supporting basis;

3. To cooperate with and secure the assistance of the Federal Government or any agencies thereof, in formulating any such program, and coordinate such program, as nearly as may be possible, with any program regarding Indian affairs adopted or planned by the Federal Government to the end that the State may secure the full benefit of such Federal program:

4. To investigate relief needs of Indians in North Dakota and to prepare plans for the alleviation of such needs:

5. To confer with officials and agencies of other governmental units and congressional committees with regard to Indian needs and the coordination of State, local, and Federal programs in regard thereto.

Mr. CHUMBRIS. Now, how much of an appropriation has your commission to work with?

Mr. HART. \$20,000 for 2 years.

Mr. CHUMBRIS. How long have you had that \$20,000 for 2 years?

Mr. HART. Each session of the legislature so far has given us \$20,000 per 2-year period.

Mr. CHUMBRIS. Have you asked for additional appropriations for your commission?

Mr. HART. We have not. At the last meeting of the Indian affairs commission the commission spelled out a notation, so to speak, for \$5,000 additional money in case the legislature wished to direct us to spend more time in the area of attempting to locate industries for location near Indian reservations.

Mr. CHUMBRIS. For the record, will you explain, other than the five points that you have raised, as to the duties and responsibilities of your commission, explain in your own words what type of work you do, how often you meet, what your program and operations are as of this date, and so forth?

Mr. HART. Well, one of the first assignments of the Indian affairs commission, one of the first duties they assigned to me was to investigate the possibility of assisting Indian people in securing employment off the reservation. That was developed on a sort of an experimental basis to determine whether or not that would be feasible.

Following those instructions we had several conferences, attended several meetings with the North Dakota Employment Service and, as a result of that, the North Dakota Employment Service adopted a rather extensive program of attempting to employ Indian people off the reservations.

During the formulative stages of that program, I worked very closely with the people that were involved, checking with employers, et cetera, to help them establish a program and help them gather some experience in this special Indian employment program.

Following that experimental attempt which proved rather successful, the North Dakota State Employment Service, which incidentally is financed by the Federal Government, has now adopted Indian employment as one of their major program items and are currently using that. One of their representatives, the man in charge of the Indian employment program is in the audience.

Mr. CHUMBRIS. Yes, and he will be a witness at a later time this afternoon.

Mr. HART. I understand that.

Mr. CHUMBRIS. Will you please state what officially your commission does toward the law and order on the reservation?

Mr. HART. We are not an operational agency. Law and order in the State of North Dakota is the responsibility of the local counties

with a certain supervisory responsibility on the part of the attorney general. This supervisory responsibility is pretty much limited to statute in saying that the State's attorneys of the various counties and the attorney general of the State of North Dakota are the only public prosecutors in the State. The attorney general's office of the State, with the exception of liquor licenses and a few things specifically as posted by statute, does not enforce law. That is strictly a county responsibility.

Mr. CHUMBRIS. State unofficially what program your commission has established in working together with other State agencies and county agencies dealing with law and order and any programs that may have been developed as a result of that.

Mr. HART. The North Dakota Indian Affairs Commission spent considerable time going over the problem of law enforcement on Indian reservations and attempting to reach a decision as to what our recommendation would be and as to what instructions I would receive to work on behalf of the commission in attempting to alleviate this difficulty.

After spending considerable time on it, listening to many witnesses from many reservations, after consulting with chairmen of boards of county commissioners and with welfare people and everyone else concerned, we established a policy for the North Dakota Indian Affairs Commission in the area of law enforcement.

Would you permit me to read that from the report?

Mr. CHUMBRIS. Present it in any manner you wish.

Mr. HART. On page 23 of the report of the Indian Affairs Commission which was published October 1, 1950, we stated the opinion and the thinking of the North Dakota Indian Affairs Commission as follows:

Legal jurisdiction over Indians is a complicated subject. It is governed by several thousand Federal statutes, as well as individual treaties made by the Federal Government with the various bands of Indians now living in this State. Major crimes on Indian reservations are within the exclusive jurisdiction of the Federal Government, whereas the minor crimes on the reservations are within the exclusive jurisdiction of the tribal courts. The problem of jurisdiction often results in misunderstanding between law-enforcement officers of counties and Indian agencies. The law enforcement standards on the Indian reservation of the minor crimes are not on a par with the enforcement of similar crimes off the reservation.

Congress, some years ago, passed a law extending to the State of North Dakota criminal jurisdiction over the minor crimes on the Fort Totten Indian Reservation. These crimes are now generally being taken care of by the law-enforcement officers of Benson County. Law enforcement on this reservation is probably at a higher standard than it is on the other reservation in this State.

The primary weakness of the State enforcing law on an Indian reservation is the fact that the property taxpayers of the county are forced to stand the expense of such law enforcement on the tax-exempt property belonging to the Indians and Indian tribes. This tends to enhance racial feelings between the Indians and the local real-estate taxpayers. The tendency of local property taxpayers is to discourage locally paid law-enforcement officials in effectively enforcing laws on tax-exempt Indian lands.

Perhaps the greatest area of confusion in law enforcement is in the field of compulsory school attendance. The tribal courts of the reservations have jurisdiction for effective enforcement of compulsory attendance against the parents of schoolchildren attending Indian schools. The State compulsory attendance law has been extended to cover some reservations. This dual authority has in some cases resulted in passing the buck from one enforcement agency to another. With few exceptions, there is little effective legal enforcement of school attendance on North Dakota reservations. It is the recommendation of the commis-

sion that concentrated action by both the tribal and State government is necessary to handle this situation.

It is the thought of the commission that jurisdiction over crimes committed by Indians on Indian reservations should be transferred by the Federal Government to the State of North Dakota with adequate reimbursement provisions being made until such time as these Indian lands are taxed. The Federal Government should reimburse the counties 100 percent for any expenses resulting from law enforcement in these areas. This procedure would result in the Indian people's becoming more closely associated with the non-Indian people of the community in which they live. It would go a long way toward the ultimate goal of assimilating the Indian people into the citizenry of the State on an equal basis with other citizens.

That is the complete recommendation that we put out in 1950.

Mr. CHUMBRIS. I understand that you also had conferences with Federal, State, county, and tribal officials on cooperation between the three as to improving law and order on the reservation?

Mr. HART. That is correct.

Mr. CHUMBRIS. Would you like to go into greater detail on that point?

Mr. HART. One of the constant complaints that we have heard in the meetings of the North Dakota Indian Affairs Commission from both Indians and non-Indians has been the lack of a reasonable standard of law and order on the Indian reservations in North Dakota.

As a result of that and as a result of the discussions of our commission meetings, much effort has been made to secure cooperation from the Bureau of Indian Affairs. In fact, one meeting we had with Mr. Dillon Meyers, who was then the Commissioner of Indian Affairs, was devoted primarily to the subject of law enforcement and our attempt to secure reimbursement for the Fort Totten Indian Agency.

Beside that I have had conferences and have discussed with, I believe, every superintendent we have had in this State the subject of law enforcement, attempting to give encouragement, to increase the effectiveness of law enforcement.

We have used different things, such as sending letters to State officials. We have constantly informed our Senators and Representatives, and we have tried to do everything that we can to get the thing effected.

We have held several conferences with the area director and the subject has been so thoroughly explored between Mr. Graham Holmes, the area legal officer and myself over bottles of beer, in offices, and every place we could get together that I believe no part of that subject has avoided our conversation.

Mr. CHUMBRIS. Carrying that point a little bit further, would you state the relationship between the Indian Affairs Commission of North Dakota and the Indian Bureau, both with the superintendents at the various reservations, with the area officer at Aberdeen, and also your experiences with the Indian Bureau at Washington?

Mr. HART. That is a real hard question to answer. Sometimes we get along real good and sometimes we get along rather badly. Most of the time we are on speaking terms; some of the time we are on just about cussing terms with each other. It depends pretty much on the personalities of the various people involved.

Mr. CHUMBRIS. Doesn't it go to the philosophy of Indian affairs as North Dakota sees it and the Indian affairs philosophy as the Indian Bureau sees it?

Mr. HART. That is correct; and there is a large area of conflict there in the way we see things.

Mr. CHUMBRIS. Could you go into a little greater detail and bring out wherein the difference of philosophy lies and what recommendations you can give to the subcommittee so that after analyzing both philosophies it can come to some conclusion?

Mr. HART. I believe I will try to answer that in about the following manner: As I see it, the Bureau of Indian Affairs believes that the money they get from Congress is to provide services for the Indian people. They also contend that the Indian people are citizens and are entitled to all services from the State, county, township level of government without reimbursement from the Bureau of Indian Affairs or from Congress.

They feel that their job is to educate the Indian people and to also educate the State of North Dakota and the other States into assuming this responsibility without financial reimbursement if they can avoid paying this financial reimbursement.

By way of example, let us get into the field of caring for insane people in State institutions. Our research shows us that in the State of Arizona, the Bureau of Indian Affairs under a contract pays to the State institution \$100 per month for the care of Indian patients in that State's insane institution, but the cost to the State of caring for these patients is \$84.30, I believe, per month. In the State of Arizona it is perfectly agreeable with the Bureau of Indian Affairs' philosophy for the State to make a profit.

Now, in other States we find that there is a complete variance in philosophy. For instance, in Oklahoma nothing is charged by the State for those patients that go to the State institution. However, many of the patients in Oklahoma, I am informed, are sent to St. Elizabeths in Washington, D. C., which of course costs the State nothing.

In North Dakota the negotiations ended on the basis that they would offer to pay the county share of maintaining patients in the State institution, but they did not want to pay any of the share of the cost to the State itself. They maintain an argument that the Indian people pay the same taxes as non-Indian people, excepting real-estate taxes, and because they pay these taxes the Indian people are entitled to these services without reimbursement; and, of course, I always answer, "Then why does the Government give you money to take care of your responsibility?" Getting back to this insanity deal, on negotiations, about a year and a half ago——

Mr. CHUMBRIS. Before we get into that, I would like to bring this out chronologically in our series of hearings. You have been a follower of all of the hearings that we have held here in North Dakota; is that correct?

Mr. HART. That is correct.

Mr. CHUMBRIS. And you have attended each of the various hearings?

Mr. HART. That is correct.

Mr. CHUMBRIS. And would you state for the record where those hearings were held?

Mr. HART. They started at Fort Yates, were held there last Monday at which Senator Kefauver and Congressman Berry were also present. On Tuesday they were at New Town and Wednesday at Rolla, and today, Thursday, they are being held in Bismarck, N. Dak.

Mr. CHUMBRIS. At that time there were representatives of the Indian Bureau, as well as the Solicitor's Office from Washington, D. C., representing the Interior Department; is that correct?

Mr. HART. That is correct. And on each reservation the superintendent of the reservation was present.

Mr. CHUMBRIS. And we also had State officials in almost every category and agency dealing with any problem that affected the Indian population, is that correct?

Mr. HART. That is correct.

Mr. CHUMBRIS. Now, during the course of these hearings, would you like to state what were considered the principal factors that led to the Indian problem and also to the delinquency, if there was any delinquency at those reservations?

Mr. HART. Do you mean a sort of summary statement of the testimony that was presented?

Mr. CHUMBRIS. No, I wouldn't want you to go to that great detail. But as you observed it and also in your official capacity as executive secretary of the commission; what are your observations and what are your recommendations to this subcommittee to improve the condition, if it needs to be improved?

Mr. HART. My observations indicate to me very strongly from the testimony presented that law enforcement on the Indian reservations is not up to a par with the nonreservation communities.

Too, law enforcement on the reservation, in my opinion, is correctable to a large extent without congressional action, that it is, to a large extent, administratively correctable.

It was rather astonishing to me to listen to certain of the Washington officials, following certain testimony regarding conditions on the reservation. One of them remarked to me yesterday noon "My God, John, we didn't know that"; another remarked to me "Somebody is going to hear about this."

That indicates to me that these hearings have been successful in that the people at the Washington level are going to get a chance to know what is going on, what the actual on the firing line conditions are, and the conditions that are confronting the welfare people and the people of the reservation.

In my opinion, that can go a long way to correct this evil which is, as I see it, inherently wrong because I do not believe in the reservation system or the Bureau system. But I believe that, within the framework of what we have administratively, 75 to 80 percent can be corrected without additional appropriations.

Mr. CHUMBRIS. Would you say that at these various hearings that were held all aspects of the problem were brought out by parties who were well acquainted with the problem?

Mr. HART. Yes, I believe that the people who testified were well qualified to testify on the various subjects covered, which covered practically the entire field of Indian affairs.

Mr. CHUMBRIS. Well, since today is the last day of the subcommittee hearings or supposedly the last day, are there any suggestions that you might make at this time?

Chairman LANGER. Just a minute. This is the last day in North Dakota.

Mr. CHUMBRIS. Yes, the last day of the hearings in North Dakota.

Are there any suggestions that you can make of anything that was possibly left out of the hearings in New Town, Fort Yates, and Rolla that could be brought out here in our hearings in North Dakota?

Mr. MILLS. Mr. Hart, I was out of the hearing room, but before you get through, I want to go into that matter of the negotiation on insanity. I don't know whether you have gone into it.

Mr. CHUMBRIS. He has not gone into it yet.

Mr. HART. One, it seems to me that possibly we could have gone into the Federal Juvenile Delinquency Act and could have learned a little bit about its operation and the difficulties of operating under that act. I am not too familiar with the act, but I believe there is one vehicle which could be used by the Federal district attorney's office which could assist materially in helping solve this juvenile delinquency problem.

I realize that there is a difficulty of appropriations there. I realize there is a difficulty of institutions, but the difficulties are not insurmountable.

Mr. CHUMBRIS. As you know, we have the assistant United States attorney here, who has been with us at all four hearings. So you are sort of putting him on notice to be ready this afternoon on that particular question; is that correct?

Mr. HART. That is correct.

Mr. CHUMBRIS. Have you any other suggestion?

Before you proceed, may I give you a list of the witnesses that we intend to hear today which may help you in any other suggestions that you have. We are going to have Mr. Peterson, the superintendent of schools; Mr. Thompson, or a representative of his, from the office of the superintendent of the training school at Mandan; Mr. Tschida of the Veterans' Administration on any questions that may come up or that were raised at previous hearings dealing with certain inadequacies of the treatment of Indian veterans, that they are not getting the same type of treatment that the non-Indian veterans are getting.

Also I believe the farm administration man is in the building and is available to us, if we want to ask him any questions dealing with that. Mr. Thoresen is here representing Attorney General Benson on any questions dealing with the conflict of jurisdiction, if there is any, and also the attorney general's opinion that has been presented; and we also are going to have a man from the health division to explain the hospital and health problem as it affects the Indians in the State of North Dakota.

With those things in mind, what other suggestions have you, both as an observer and participant in these subcommittee hearings?

Mr. HART. One thing I believe you left out that should be considered and considered thoroughly is getting a report from the North Dakota Employment Service of their extensive experimental work in this field of employment.

Mr. CHUMBRIS. I neglected to mention that. The representative is here and has the full records and charts to be presented.

Mr. HART. I believe that that will probably cover the situation.

Mr. CHUMBRIS. Are there any recommendations? I notice that you have some very valuable recommendations in your report. Would you like to discuss some of those recommendations at this time?

I think before we go into that, Mr. Mills would like to go back into this question that was raised as to the negotiations.

Mr. MILLS. You are familiar with that. Go ahead and tell about that.

Mr. HART. Are you referring now to this insanity deal?

Mr. MILLS. I would like to know who is negotiating and why they didn't come to an agreement and what we can do to facilitate something happening so that we don't have four insane people unconfined on the Turtle Mountain Reservation.

Mr. HART. In the State of North Dakota, we have a State hospital at Jamestown, N. Dak. My understanding is that that hospital was built and has equipment for the handling of about 1,400 people. Actually there are 3,200 people in that institution.

We do not have the facilities to properly handle people in Jamestown State Hospital. A rapid improvement is now being made working with the various programs to try to relieve the overcrowded conditions, and so forth.

About a year and a half ago it was called to the attention of the North Dakota Indian Affairs Commission that two Indian people from Fort Yates were confined in the hospital at Jamestown and that the Bureau of Indian Affairs refused to pay for their care. The result was that the board of administration was threatening to sue Sioux County.

The question arose as to whether or not the county insanity board of Sioux County had the legal right to commit these two patients to the State hospital at Jamestown. It was thought perhaps we could test the question by habeas corpus, trying to get the patients out.

It was also discovered that the Bureau of Indian Affairs would not pay for the cost of these people. The matter was discussed with Mr. Holmes, among other people, and the information was given that, "No, we made no commitment. Therefore, we are not going to pay for those patients."

So the whole program was checked into. Many requests were made, as I am informed, by the board of administration to get this payment from the Bureau of Indian Affairs, and they absolutely said, "No."

In developing that, we discovered that the Bureau of Indian Affairs had a contract to pay approximately, I believe, \$65 per month to the State hospital for the insane Indian people. They were failing to pay for some quarters. I believe there is one quarter in 1950 from I believe the Turtle Mountain Reservation where there was no payment, but the second quarter was paid, and then the next quarter wouldn't be paid.

Dr. Saxvick presented those statistics to the Indian Affairs Commission. We discussed the matters with Mr. Emmons, when he was here a year ago at the meeting of the North Dakota Indian Affairs Commission. Also present at that meeting was the Honorable Senator Langer. Both Senator Langer and Mr. Emmons were put on notice that we wanted to get this thing squared away, and we hoped to get it squared away by negotiations.

Following that, I discussed with the attorney general's office the possibility of an opinion which would clarify this jurisdictional deal.

Sometime after that this case arose at Rolla, N. Dak., and shortly prior to that the Bureau of Indian Affairs had come into the county commissioners and had asked them to take a contract to reimburse the county's expense.

The county said, "No dice," that would have been one way that they could have paid the county's share of the cost and avoided the State's share of the cost. The result was that an opinion was asked of the attorney general.

He rendered the opinion saying: one, the county does not have the authority to contract with the Bureau of Indian Affairs for patients at the State hospital. That power exists in the board of administration because of the financial interest of the board of administration. That opinion also set down certain criteria as to the responsibility of the administration in determining cost.

Does that cover that situation, Mr. Mills?

Mr. MILLS. I had from Mr. Thoresen the name of Dr. Saxvick, who represented the State in these negotiations. Do you know who represented the Bureau?

Mr. HART. I believe the assistant area director wrote most of the letters to the board of administration. That is Reinholt Brust, associate area director.

Mr. MILLS. Do you know if there has been anything done in the last 2 months or 6 months or a year?

Mr. HART. There was a letter from the Bureau of Indian Affairs to the board of administration that I know of. I believe it was the week before this case in Rolla occurred, in that general neighborhood. Besides that, while this lady was up there, I spent considerable time talking by phone to Selene Gifford, First Assistant Commissioner of Indian Affairs, Washington, D. C., on this subject of contracts and specifically on the case that we had there in Rolla.

Mr. MILLS. What disturbs me is that there doesn't seem to be anything going on, on this, and we have these insane people and something has to be done. From what it appears, I don't even think negotiations are going on right now.

Mr. HART. As far as I know, no negotiations have taken place since the attorney general's opinion. Maybe they have, but I am not familiar with them at any rate.

Chairman LANGER. Of course, Mr. Hart, you understand this subcommittee is holding hearings all over the United States.

Mr. CHUMBRIS. In Washington, D. C.; Denver, Colo.; Boston, Mass.; Philadelphia, Pa.; El Paso, Tex.; San Diego, Los Angeles, and San Francisco, Calif.; with hearings to be held within the next 2 weeks in Chicago, Ill.; Miami, Fla.; and again in Washington, D. C., on television's impact on youth; and from there on we are also scheduled in the future.

Chairman LANGER. We are trying to use North Dakota as a model because of the very fine cooperation we have here. It is a problem that has been going on since 1824. That is 130 years, and we have to have some kind of model to settle it.

You take this Indian land. There is oil discovered on part of it now, as you know. We have the situation where a fellow owned it and 100 years ago he had 4 or 5 children. They had 4 or 5 children

in turn, and today you find perhaps 140 heirs to one section. You are familiar with it because we have discussed it.

There is the question of titles involved, and all that sort of thing, and I want to assure you that I don't know if ever a Senator had better cooperation from any office than I have had from you, sometimes 3 or 4 letters a day, as you know.

Mr. HART. Thank you very much, Senator, and I want to assure you that I have had excellent cooperation from you and the Washington delegation has given me excellent cooperation. Never at any time have I requested assistance but what it was received, and I particularly remember something that I believe should go in this record.

It was the time that we were highly interested and highly concerned about the poor health condition of the Indians and the operation of the hospitals, and I want to say that Senator Langer and Senator Young took it up with the Attorney General of the United States and the Attorney General took it up with the Secretary of the Interior; and with a lot of heat the thing has been squared away, and I have mentioned little about hospitals in this hearing.

Chairman LANGER. We have had a lot of trouble with Fort Totten, as you know.

Mr. HART. I would like to mention one thing here to make this record more complete.

At the same session that created the North Dakota Indian Affairs Commission a resolution was introduced, I believe authored by Senator Duffy and Senator Nordhousen and Senator Coughlin, which was known as Resolution Q. It is an important part of the Indian Affairs Commission because it was passed by the same legislation that created the commission.

The gist of the resolution is that the Bureau of Indian Affairs be made an efficient agency of rehabilitation or that the Bureau of Indian Affairs be abolished entirely.

Reading that resolution into the creation of this Indian Affairs Commission I believe is necessary, and the North Dakota Indian Affairs Commission thinks it is necessary because it was passed at the same legislative assembly.

Chairman LANGER. Of course, you know Governor Brunsdale has announced that he is going to set aside a week of the coming legislature to take up nothing but this Indian problem. We hope that we can get State legislation if it is necessary and Federal legislation, and we can all agree to do something about this problem.

It is half past 12. We will adjourn to 2 o'clock.

(Whereupon, at 12:30 p. m., the subcommittee recessed until 2 p. m., the same day.)

AFTERNOON SESSION

Chairman LANGER. The meeting will come to order.

Mr. CHUMBRIS. Mr. Hahn.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HAHN. I do.

**TESTIMONY OF JACOB R. HAHN, EMPLOYMENT SPECIALIST, NORTH
DAKOTA STATE EMPLOYMENT SERVICE**

Mr. CHUMBRIS. Please state your full name, your address, and your official capacity for the record.

Mr. HAHN. Jacob R. Hahn, employment specialist with the North Dakota State Employment Service. I live here in Bismarek.

Mr. CHUMBRIS. Mr. Hahn, you have, I understand, some statistics on surveys that your office has made pertaining to the employment problem in the State of North Dakota and specifically as it might apply to the Indians?

Mr. HAHN. Yes; I have.

Mr. CHUMBRIS. How long have you been with the employment service?

Mr. HAHN. I have been with the employment service for 14 years.

Mr. CHUMBRIS. Mostly here in North Dakota?

Mr. HAHN. All in North Dakota, except 2 years.

Mr. CHUMBRIS. So you are familiar with the employment problems here in North Dakota?

Mr. HAHN. I think I am, sir; yes.

Mr. CHUMBRIS. Suppose you, in your own way, present whatever testimony you have to this subcommittee.

Mr. HAHN. Well, we in the employment service have always felt the need for giving special attention to the placement of Indian workers because we realized that they did present some special problems. I can recall as far back as 1947 when we went into more or less of an intensified program to encourage employment of Indians, that is, dealing with employers and encouraging them to accept the Indian in employment and recruitment of these workers.

Of course, during the war years, we recruited large numbers of them for the war plants. At the beginning of the construction of the Garrison Dam we, through the cooperation of John Hart and some of the Indian workers themselves, went in there with the idea that we would do everything we could do to get larger numbers of them into that construction activity. We were very successful.

At one time there were close to 500 Indian workers employed on the Garrison Dam projects with various contractors.

Another industrial area in which we saw possibilities was the railroad. We concentrated on development of Indian workers in the Minot-Devils Lake areas, being close to Turtle Mountain Reservation, and after some time we were quite successful in getting, I think, in 1952, about 200 Indian workers employed there on the railroad.

I do not know, Mr. Chairman, just how far you want me to go into these things because they cover quite an area.

Mr. CHUMBRIS. These particular projects that you are referring to I think are of interest to the subcommittee because it gives us an idea of what type of projects have given employment to the Indians, and it might help in determining if other projects might be brought into the State wherever possible, and where best to locate them to help the Indian employment problem.

Mr. HAHN. That is very good because it falls somewhat in line with our thinking.

There are limited opportunities for employment in North Dakota. We have many non-Indians who would like to have employment and

are unable to get it. I might say that when we began to concentrate on this placement of Indians we felt that one of our best possibilities was probably among the younger people and we wanted to make sure that every Indian child who completed high school, for example, would have an opportunity for employment and before they would leave that school and get back you might say to the blanket they would be able to go out and make their own way. We were quite encouraged to find that actually they did not present a problem.

Mr. Ed Hanks, who at that time was serving the Turtle Mountain Reservation, made a study of the number of graduates, of all the graduates from 1951 through 1954. Of the total of 54 graduates there were only 4 who could not be accounted for. All of them had left the reservation and were either in school, in training, or working, with the exception of one who had been married and was living on the reservation.

Mr. CHUMBRIS. If I get that correctly, only 4 out of 54 were not placed; is that correct?

Mr. HAHN. Only 4 out of 54 were not accounted for. There were, for example, 14 who had gone to Haskell Institute. There were 8 in military service at that time. There were 13 who had gone into nursing training. Five were employed at the jewel plant. Eight were in school, such as agricultural college and Valley City Teachers College.

That in itself encouraged us to try to promote or at least feel that there was a need for promoting better school attendance.

Monday, when we were down to Fort Yates, I had a chance to talk with Mr. Galuzzi, the high-school principal, who had been there 6 years, and he said of all the high-school graduates who had completed high school during the period he was there, there was only one that he knew of who was still on the reservation.

I might say that seeing that one of our big problems is employer resistance, and I think that everyone realizes that, we are now starting on a program whereby we will have one man who will spend probably about a fourth of his time contacting employers who have employment possibilities for Indian workers, contacting those employers and trying to encourage them to accept Indian workers.

This man Ed Hanks is well acquainted with the Indians on the Turtle Mountain Reservation, not as Indians but as individuals. He knows them by name. He can call them John and Joe, and he knows their characteristics. He knows under what conditions they will work out successfully and under what conditions they will probably not work out successfully.

Mr. CHUMBRIS. I had a short conversation with Mr. Hanks, and he is quite enthused about that new plan.

Mr. HAHN. We are hoping that it will bring results. I am sure that it will improve conditions. We are ready for a jolt, too. We have been disappointed on this program before, but we have also had some very encouraging results.

I thought you might be interested also in knowing the type of industry into which these Indian workers have gone, in which we have placed them.

I have here an industrial breakdown of the placement of Indian workers over the period of years 1947 through 1953, which I will be glad to leave with you.

Chairman LANGER. It may be made a part of the record in this case.

(The information referred to above was marked "Exhibit No. 26," and is as follows:)

EXHIBIT No. 26

North Dakota State Employment Service—Industrial breakdown of Indian placements

Year	Total non-agricultural	Mining	Contract construction	Manufacturing	Interstate railroads	Other public utilities
1947.....	256	0	105	21	5	16
1948.....	403	0	141	25	13	24
1949.....	317	0	66	38	10	45
1950.....	774	2	346	73	21	51
1951.....	947	6	312	58	90	92
1952.....	1,347	0	440	106	131	113
1953.....	934	4	231	160	83	92

Year	Wholesale and retail trade	Finance, insurance, and real estate	Service except domestic	Domestic service	Government service	All other	Agriculture
1947.....	53	4	27	10	8	7	-----
1948.....	92	2	27	63	16	0	-----
1949.....	62	0	23	64	7	2	-----
1950.....	143	3	27	95	12	1	-----
1951.....	224	2	51	98	13	1	2,338
1952.....	327	4	60	130	24	12	2,625
1953.....	187	12	51	96	7	6	3,118

Mr. HAHN. Also I think it was brought out, maybe not in the testimony but in some of the conversations that the Indian worker doesn't have much of a chance of getting a job at the employment service. We get that criticism from non-Indians too, you know, but this is just a summary of a comparison of the number of Indians who have been placed through our service in comparison with total placements, and I think you will find that it runs considerably higher than does the population percentage of Indians to non-Indians.

Chairman LANGER. It may be made a part of the record in this case.

(The information referred to above was marked "Exhibit No. 27," and is as follows:)

EXHIBIT No. 27

North Dakota State Employment Service placements

	Total	Indian	Nonagricultural		Agricultural	
			Total	Indian	Total	Indian
1951:						
Number.....	46,968	3,345	23,778	907	23,190	2,338
Percent.....		7		4		10
1952:						
Number.....	44,796	3,972	25,636	1,347	19,160	2,625
Percent.....		9		5		14
1953:						
Number.....	46,380	4,052	23,581	934	22,799	3,118
Percent.....		9		4		14

Mr. CHUMBRIS. Do you have anything further?

Mr. HAHN. I think that is all that I have of particular interest to present as testimony.

Chairman LANGER. Do you have any questions, Mr. Hart?

Mr. HART. Yes.

I am interested in this figure for 1952, total nonagricultural workers, 1,347. Would you be able to explain what that figure is?

Mr. HAHN. In 1952 the figure 1,347, Mr. Hart, is the total number of Indians placed in nonagricultural employment. You will find farther across the sheet that that is broken down, 440 of them in contract construction, for example, and manufacturing 106, and so on.

Mr. HART. Do you have a record as to the number of Indian people who are receiving unemployment compensation at Turtle Mountain Reservation or who received it last year?

Mr. HAHN. We are just coming into the season when there will be a number of them who will be filing claims for unemployment compensation. Last year on the Turtle Mountain Reservation we had approximately, I would say, 160 Indian workers who, let us say, were eligible for unemployment compensation, and most of those, according to the information I have, were receiving the maximum benefits of \$25 a week over a period of 26 weeks. They were eligible for those maximum benefits.

Mr. HART. Are you familiar with the study made of 301 Indian workers, the study being made between Mr. Ed Hanks of the employment service and Mr. Howard Welch of the relocation service in covering 301 Indians between 1946 and 1952.

Mr. HAHN. I don't recall the details of that right now. I remember seeing it. Yes, you had it here in your report.

Mr. HART. You are somewhat familiar with it?

Mr. HAHN. Yes, sir.

Mr. HART. Does that study indicate any trend either toward agriculture or away from agriculture or toward construction or away from construction?

Mr. HAHN. I would say that what it indicates to me is that these Indian workers, contrary to considerable comments that we have previously had, are not necessarily agricultural workers but are successful in nonagricultural employment of different kinds, construction being one of the major categories.

Mr. HART. One of the problems that will undoubtedly be considered by this committee is agricultural rehabilitation. Would you tell me the trend of agriculture between 1946 and 1952 of the 301 Indians studied, please? What was the high point and the low point?

Mr. HAHN. The high point here of that number is 1946, 220 employed in agriculture. That decreased steadily until in 1952 there were only 34. On the contrary there were only 23 in the construction in 1946, and that increased to a peak of 192 in 1951 and 128 in 1952. There are similar increases shown in railroad from 4 in 1946 to a total of 61 in 1952.

Mr. HART. Would that indicate to you that when given the opportunity the Indian people will take work other than agricultural work, that they have a preference for work other than agricultural?

Mr. HAHN. Very definitely, and I would like to make a comment further along that line. You have heard the criticism I am sure—we get it right along—that the Indian worker is just no good, that he

doesn't stay on the job, that you can't depend upon him because he is here today and gone tomorrow. If you didn't get in your testimony yesterday I think you should have this item which I think is indicative of what you can expect of Indian workers. At the jewel bearing plant in Rolla since February of 1953, I think it was when that was established, when we first started out, their rate of turnover has been only 3 percent.

Chairman LANGER. Senator Nordhongen, I wish you would listen to this particularly because in the legislature last year you introduced a bill in connection with these matters. We have here Orris Nordhongen of Leeds, N. Dak., a State senator.

Mr. HAHN. That I think is very important. It illustrates what we can expect of the Indian worker when you consider that industry in general does not consider a 5 percent turnover as excessive.

Mr. HART. Would you say, then, that the turnover at the Turtle Mountain jewel plant is less than the industry as a whole?

Mr. HAHN. It is definitely less than nonagricultural industry as a whole.

Now, I can cite any number of examples on both sides. For example, this spring I talked with a contractor in the Elbowoods area who has a project in connection with the Garrison Dam, not the building of the dam but one of the other projects, and we were promoting the employment of the Fort Berthold Indians. He told me: "I am all through with Indians. I want to show you my time record." We looked at it. He had two Indian workers.

He said: "Here is a man who was exceptionally well qualified as a construction worker and did a good job. We wanted to encourage him to be a little bit more dependable and be on the job. We promoted him. It didn't make any difference. He was here part of the time."

And his record showed that he was here part of the time and gone part of the time. His record wasn't as good as the average worker. On the other hand, we got statements, for example, from supervisors on the construction of the refinery at Mandan who told us that they had never had any better group of workers than a group of Indian workers who were employed out there, and a large number of them were from the Fort Yates area. Some of them were from Turtle Mountain. The railroad industry in the northern part of the State where they really made an effort to treat the Indian workers like individuals told us that they couldn't get better crews than the Indian workers.

Now, we have also had some criticism to the effect that this seasonal employment is not solving the problem. We think it is a step in the right direction, and as Carlyle Onsrud brought out this morning, you can't climb a mountain all at one time.

There are a large number of these workers through the acceptance of railroad work and construction work who are learning to take responsibilities. They are becoming accustomed to living off the reservation. They are becoming accustomed to assuming the responsibilities that any ordinary worker has to assume.

I think we are going to find that those people are going to be much easier to relocate probably away from the reservation when the opportunities come.

Mr. CHUMBRIS. Then, from your observation there appears to be an encouraging sign as far as employment for the Indian population for in this State, is that correct?

Mr. HAHN. We are encouraged about the problem.

Mr. CHUMBRIS. Their record for being on the job is good as evidenced by the jewel plant?

Mr. HAHN. That is right.

Mr. CHUMBRIS. The Mandan operation indicates that their record is good?

Mr. HAHN. Yes, and Garrison Dam, and the railroad; that is right.

Chairman LANGER. And in agriculture the farmers who hire these men say they are excellent workers?

Mr. HAHN. That is right, Senator.

Again, we encounter some who feel the opposite way, but they encounter exactly the same problems with non-Indians. We have migrant groups who come into our agricultural activities who are no more dependable, and we have resident workers who do the same things; but the fact that the Indian does them and that they have heard some conversation about the Indian not being dependable leads people to make the remark, "You can't depend on the Indian worker."

Mr. CHUMBRIS. In the future if you make any additional statistics on your program to find jobs that Mr. Hanks is working on, we would appreciate having those statistics because our work is not completed, and we would like to insert it into our record.

Mr. HAHN. We would be glad to send them to you.

Mr. CHUMBRIS. As I understand it started October 1, and you have not had an opportunity to get it going?

Mr. HAHN. That is right.

Mr. CHUMBRIS. We would appreciate anything you may have on that.

Chairman LANGER. That information may be inserted in the record when we receive it.

(No additional information was submitted.)

Chairman LANGER. Are there any questions?

Mr. MILLS. We had some statements that some slum clearance was necessary, homes and things on the reservation. I was wondering how much of that work could the Indians be employed to do and also whether there is any of that work that would provide them with training so that they could do that work elsewhere?

Mr. HAHN. From what we know, I might say, as sort of an inventory, so far as I recall the skill of the Indian workers who are now living on reservations, I would say that 90 percent of that work could be done by the Indian workers not only on the reservation but off the reservation which brings up a point on which we are anticipating some difficulty in the program we are starting now. We are anticipating some difficulty in locating suitable housing for these Indian workers for whom we may find employment opportunities, say, in Jamestown, Valley City, Fargo, or wherever it may be.

That is the type of thing that we are going to promote is the relocation of a worker and his family into the Jamestown community or the Valley City community, but we do anticipate some housing difficulties.

Mr. MILLS. Another thing I was wondering about is that there seems to be a complaint that a lot of the schools teach them reading

and writing and arithmetic and forget about teaching them any of the trades or giving them an opportunity for doing anything but agricultural work. I was wondering if in this construction they could learn some trade such as carpentry or masonry?

Mr. HAHN. I think they can get a start. They can at least determine whether or not the individual has an aptitude toward that work.

Mr. MILLS. I was thinking in terms of a project like a WPA project or something like that. That seems to be the nature of what is done when you have depressions. Certainly we have a depression among the Indians. I wonder if something like that would help?

Mr. HAHN. We have advocated setting up trade schools on or near reservations to give some of these workers an opportunity to get into auto mechanics or carpentry or whatever trade they may be interested in pursuing.

Along that same line, and this is a personal observation which has been a matter of conversation among us, I feel that some of the schools that these high-school students are attending are not offering enough in the way of commercial courses. Any girl graduating from high school now who has, we will say, 2 years of typing and shorthand has no difficulty in getting a job, and I think there are better opportunities for some of the Indian girls in some of those clerical positions than there are in, say, sales positions because there is more employer resistance to having an Indian worker in a non-Indian community waiting on trade. I think we have to face that.

Chairman LANGER. I might say, Mr. Hahn, that they start at \$2,400 under civil service in Washington, and we can take care of all the stenographers you can find because there is a great shortage of them.

Mr. MILLS. Do you think that that 3-percent turnover would hold in the case of Indian girls trained in stenographic work?

Mr. HAHN. I definitely am sure it would hold. I think the place probably where it doesn't hold is when you take a family which is established on a reservation and has lived there all their lives. They have quite an adjustment to make in moving away from the reservation. We are going to have some problems in that direction, and are taking what steps we can to try to minimize them.

Chairman LANGER. Are there any other questions?

Thank you very, very much.

Mr. CHUMBRIS. Father Stanislaus, from Fort Totten, please.

STATEMENT OF FATHER STANISLAUS MAUDLIN, ST. MICHAEL'S MISSION, ST. MICHAEL, N. DAK.

Mr. CHUMBRIS. Father, would you state your full name and the name of your church?

Reverend MAUDLIN. Rev. Stanislaus Mandlin, St. Michael's Mission, St. Michael, N. Dak.

Mr. CHUMBRIS. How long have you been there?

Reverend MAUDLIN. I have been at St. Michael's since January 1950.

Mr. CHUMBRIS. In what other area have you served?

Reverend MAUDLIN. Previous to that I have been at Belcourt since 1943 and before that I had been in South Dakota since 1939 off and on, from 1939 to 1943. I wasn't in South Dakota steadily.

Mr. CHUMBRIS. You are pretty familiar with this part of the country?

Reverend MAUDLIN. I think so.

Mr. CHUMBRIS. Father, in your own words we would like to hear from you, as you see it, the problem of Indian affairs, of delinquency, if any, on the reservations, any observations that you might want to make.

Reverend MAUDLIN. Of course, these other men who have appeared before you have fields of activity that are pretty well defined and possibly you could help me keep on the track if you would ask me a few questions rather than let me ramble, I have something to say about quite a bit of it, I think.

Mr. CHUMBRIS. How is the religion of the Indian people, their religious attendance at church, their love for religion?

Reverend MAUDLIN. Well, of course, that would be my area, I suppose.

Mr. CHUMBRIS. The program that your church provides for them?

Reverend MAUDLIN. Well, the reservations on which I have been have been predominately Catholic. That was Crow Creek Reservation, Turtle Mountain and Fort Totten. Of course it has been our observation that wherever a group of Indian people or rather wherever a group of any people is most attentive toward their duties toward God, naturally they will be attentive to their duties toward each other and to themselves. Perhaps I should preface anything I might say here by saying that too often when we meet this way we speak more or less patronizingly of Indian people or more or less as if we stood above and beyond and could judge and guide and rule, whereas I am more and more convinced that we cannot because whatever difficulties show up on the reservations it is so easy to pinpoint whatever happens there by color, by race, and all that.

If that were to happen in a town like Devils Lake or some other place it is lost in the huge flood of other white people that are there. All of these problems are magnified by that small area that we are looking at and we then think, and I think wrongly, that we can go in and correct them all by our saying that it is going to be corrected.

Now, this gentleman over here mentioned something about providing schools. I am just picking these things up.

Chairman LANGER. That is Mr. Mills, assistant United States attorney.

Reverend MAUDLIN. He said something about providing trade schools. I could use that as an example. Why make a special trade school just for Indian people? We have those things already at Wahepton and other places. Why not use the facilities that are there and not make a great big noise about the problem which is there, it is true; but let that more or less fade into other things and it won't be the great, I should say, difficulty that it seems to us now.

I am speaking now after much observation, and I think that we have in counties and we have in States all kinds of welfare organizations and service organizations, and all that, and to provide something especially on its own just for this group I think is wrong.

We are always going to think ourselves better, if we white people can say: "Now that is the Indians'. That is their place." Why can't we treat them as we are treated and have everything together with them in schools and in other services?

Mr. CHUMBRIS. Of course there has been quite a bit said on that subject during the course of these 3 hearings, that philosophy which indicates that there are 3 or 4 different philosophies as to how these particular Indian affairs should be handled. Some say let it all be handled by the State. Others say let it be handled by the State but let the Federal Government pay for it. Others say take it step by step. We have had many philosophies but we do appreciate your comments because the reason for these hearings is so that we can get the thinking of different people along this line and, as someone stated earlier today, it is when we get the united thought of these people that we will accomplish something. If each does not insist on his philosophy being put into effect we will accomplish something.

Reverend MAUDLIN. May I say something about the employment service?

The employment office at Devils Lake calls St. Michaels Mission about once a week all through the summer and will say: "Father, can you find us 10, 15, 30 workers?" The only thing we can do is pass the word around and put a sign up in our little store and recommend different ones to go in and call at the employment service.

The gentleman in there occasionally will call out and say, "Father, I want this particular man or that particular woman or this family because already they are getting a good name among their employers as someone whom they can depend on and they are getting a very fine record built up."

I must say that I appreciate very much the work that the employment service is doing in trying to call us and trying to let us help them get these men to work.

Now, one more thing possibly is that I wonder and have often wondered why it would not be possible once and for all to go back to the treaties that the Indians have made, that the Government has made with the Indians and finally to live up to those treaties. The tribe which I am taking care of owned at one time land in Minnesota. That is gone of course. Then they made certain reservations in making that treaty. For instance, hospital service was one. That is gone from our reservation.

The school is falling down practically. Recently, law and order was taken away. These things are taken away with nothing much put back in their place. For instance, the hospital is now used as a dormitory. I don't know who is taking control of the law and order. I don't know yet at all. What will happen to the school no one knows as yet.

Chairman LANGER. You are talking about Fort Totten?

Reverend MAUDLIN. Yes; I am.

For instance, the hospital, possibly someone thought it was better to be taken care of this way, but according to the treaty if I am correct the Indian people should have had something to say about that. I may be wrong.

Chairman LANGER. Have you a copy of that treaty?

Reverend MAUDLIN. I have asked dozens of times who has a copy and no one seems to know where there is a copy. I doubt if anyone on our reservation has seen a copy of the treaty.

Mr. MILLS. I think the State library has a copy. I am not quite sure, but that is where I have found treaties when I have had to have them.

Reverend MAUDLIN. I have suggested to our people that if they had copies I would print or mimeograph them and put them out.

Chairman LANGER. We might be able to find them in the Congressional Library.

Mr. CHUMBRIS. We shall make a note of that particular point that you raise, Father, and have those treaties examined especially as applied to this particular area and make a special note of that. I am glad you brought that up.

Chairman LANGER. How about law enforcement on the Fort Totten Reservation?

Reverend MAUDLIN. There is none now I suppose.

Mr. CHUMBRIS. Since the Attorney General's opinion?

Reverend MAUDLIN. Yes.

Last night I got a call from a lady whose sister had run off with her husband. I am supposed to go out and find them and separate them and bring the husband back to his right wife, but that is kind of hard to do after 1 o'clock at night, especially when you have to come down here the next morning. I would like to have somebody whom you could call to do something about that; but who?

Mr. CHUMBRIS. That is the reason for the urgency, Mr. Holmes.

Mr. KASTLER. If she ran off, she undoubtedly would be away from the reservation?

Reverend MAUDLIN. She is on the reservation somewhere.

Mr. CHUMBRIS. Mr. Holmes is with the area office at Aberdeen, and they are immediately going to look into this matter so that whatever decision the Aberdeen office will make they will see that it is done as soon as possible.

We realize that that is a vacuum at this time as far as law and order is concerned. It disturbs the subcommittee because, as we enter the State for our hearings, this particular thing pops up. Maybe it is a good thing it happens at this time.

Chairman LANGER. Mr. Thoresen, you kindly came down today.

Mr. KASTLER, would you like to ask further questions?

Mr. KASTLER. Father, you understand that if there was a person at the Indian reservation who could find the man who had run away with his wife's sister we couldn't make him live with that wife that he has?

Reverend MAUDLIN. No.

Mr. KASTLER. And do you have any approach or anything to suggest for that difficult problem?

Reverend MAUDLIN. Well, this particular girl has run away from Fargo. She came to the mission to ask me to find a place for her. She was brought there by the deputy of Minnewaukan. Well, I tried one place. She left that after 2 days. I found her another place. She stayed there about 2 months.

She finally went to another place. And now she has left that and gone to another one, and it would seem that being a girl 15 years old, possibly she should be in some kind of institution. I am speaking of the girl herself.

Mr. KASTLER. What kind of an institution would you put her in?

Reverend MAUDLIN. That would be up to the juvenile commissioner. I would not want to suggest what he would say.

Mr. KASTLER. Is the girl 15 years old?

Reverend MAUDLIN. She is 15 or 16.

Mr. KASTLER. She is the one that ran off with the man?

Reverend MAUDLIN. Yes.

Mr. KASTLER. Is it possible that that could be a Federal case?

Mr. MILLS. I think, along with the list of 43 that we gave Comeau yesterday, we might just as well give him 44. We have one man covering three reservations.

Mr. HART. I would like to bring up a question there why that would be within Comeau's jurisdiction or within the jurisdiction of the Federal Bureau of Investigation.

Mr. KASTLER. Either or both.

Mr. HART. Who would have the primary responsibility?

Mr. KASTLER. Well, it was on Devils Lake. There might even be State responsibility. We are involved in an intricate legal problem. While we are at it, I will throw that into the pot.

Mr. HOLMES. Father, you mentioned the closing of the hospital there. It is a fact that the hospital service is now being rendered to the Indians in a different manner by taking them to the general hospital at Devils Lake; is that right?

Reverend MAUDLIN. That is right.

May I add, I personally believe it has done better. I believe that it has done better. However, it would seem to me that the people who are affected should have some say-so about the change. That is what I meant.

Mr. HOLMES. You didn't mean that there is any less service and you think that it is better?

Reverend MAUDLIN. I believe that it is better.

Mr. KASTLER. Father, do I understand then that you advocate on your first premise that there should be an equal opportunity or a melting of the two cultures, Indian and non-Indian? Then your second thought was that the Indian treaties should be revived and restored to their full effect or what some people say their full intended effect was and then separate Indian facilities be maintained for the Indian if he desires them?

Reverend MAUDLIN. Those were bilateral contracts, weren't they, the treaties?

Mr. KASTLER. They were contracts; yes.

Reverend MAUDLIN. I am asking why they should be broken by one party when the other party was not in favor of it. That is what I was asking.

Mr. KASTLER. It is just the content of the contract, Father.

Reverend MAUDLIN. The what?

Mr. KASTLER. The content, the services that are provided for in the treaties.

Mr. CHUMBRIS. I think Father's objection there is that it isn't that we are preventing them from assimilation but the breaking of a contract without giving them an opportunity to express their desire. They probably want to do the same thing, but they are not given the opportunity.

Mr. KASTLER. They have been given that opportunity. The Indian Claims Commission Act of 1946 provided a forum, the Indian Claims Commission, before which any Indian tribe in America could bring an action for damages for the dishonorable action or bad faith that the United States Government had ever kept, and all of these tribes have filed their claims and they are being heard one by one and thoroughly determined.

Mr. HART. If I may make a comment here, I believe that what Father is referring to is the fact that they ordered the hospital closed and then had the Indian people vote on the closing of it.

Did you refer to that?

Mr. CHUMBRIS. That was brought out yesterday by one of the witnesses.

Mr. HOLMES. I might add, Father, that so far as I have been able to learn, and I think I have read practically every treaty, there are about 125 treaties or more with the different wandering bands of Sioux Indians, and there is no treaty that I have ever read that provides for a hospital. So the service in furnishing the hospital is far in excess of anything in the treaty.

Reverend MAUDLIN. Well, of course, that was the feeling there on our reservation, that it was part of the things that were due to them by treaty. No one has read the treaty that I can find. It has not been there.

Mr. HOLMES. I understand your position.

Mr. HART. May I interject a question here?

Do you believe that it would have been better administrative policy at the time this hospital was closed if the Bureau of Indian Affairs as well as myself—I supported the closing of the hospital—would have had sufficient copies of the treaty and explanations of the treaty to show that there was no treaty violation in the transfer of the services from that Indian hospital to the local hospital?

Reverend MAUDLIN. All of our people, myself included, were under the impression that they were asked finally about the hospital because that was part of the things that were due to them by treaty.

Mr. HART. It is a matter of bad public relations at the time that was closed; is that right?

Reverend MAUDLIN. No one knew whether it was being done justly or unjustly.

Chairman LANGER. Thank you very much, Father.

Call the next witness.

Mr. CHUMBRIS. Mr. Thoresen, would you like to explain the attorney general's opinion and any conflict of jurisdiction at this time?

STATEMENT OF T. H. H. THORESEN, ASSISTANT ATTORNEY GENERAL, STATE OF NORTH DAKOTA

Mr. CHUMBRIS. Please, give your full name and your title.

Mr. THORESEN. My name is T. H. H. Thoresen. I live at Bismarck.

Chairman LANGER. He has been State's attorney of the county, mayor of Grand Forks, and former Lieutenant Governor of North Dakota. He has had practically every office.

Mr. THORESEN. Does all of that go into the record?

Chairman LANGER. We want that in.

Mr. THORESEN. I don't know whether the opinion that was rendered by the attorney general brought about this hearing.

Being here this forenoon and this afternoon, I observed that quite often reference is made to the fact that the attorney general has closed down on the law enforcement by the State agencies. If that is the case, I will say that I am quite happy that that has taken place. I think it is time that the problem should be definitely settled as to who has jurisdiction over what.

It has been a constant problem in the Attorney General's department since I got in there, and I have been handling that matter pretty much myself as to this conflict of jurisdiction, not only in criminal affairs but also in civil matters. The thing was brought to a head I think more by this hearing on the insanity proposition that Mr. Hart referred to this morning. That brought about the study of the jurisdictional question as to enrolled Indians on Indian reservations.

It so happens, as Mr. Hart stated, that there were 2 or 3 enrolled Indians committed to the State hospital at Jamestown from Sioux County and the reservation down there, and Sioux County refused to pay for their keep and so does the Indian agency.

The failure of payment was due to the fact that the Sioux County Board of Insanity took jurisdiction and accepted the jurisdiction and declared these people fit subjects to be at the State hospital and thereby committed them to the institution.

Then it developed of course, as stated, that Sioux County has refused to pay anything. The Indian agency has refused to pay anything, and I think there is several thousand dollars now owing to the State of North Dakota for the keep and care of these persons at the State hospital.

That brought up the question, and then came the Rolette County question on this old lady. I think there were 1 or 2 cases up there where the Indian agency I think have taken entirely a wrong attitude on this whole proposition, and I want to speak very plainly while I am here. It seems to me after a study of several months that what they have been trying to do over the past years is to shove all the expense they can on to the counties and the State reserving for themselves as little work as possible, and they reserve the 10 major crimes.

Now we have the assimilated crimes law which gives them no excuse for not enforcing any violation of the law upon an Indian reservation because they can make use of very law that is available in the State of North Dakota for the punishment of crimes upon an Indian reservation.

They can say, as you mentioned here in the running away of the young girl with some married man, "Well, if it is a crime under the State law it is also a crime on the Indian reservation under the assimilated crimes law passed by Congress."

They can make use of every State law for the prosecution of crimes. So they cannot plead the fact that they have not any law that makes it a crime. If it is a crime under the State law it is a crime under the Federal law.

MR. MILLS. Do you make a distinction of Indian against Indian? Do you make any distinction where the crime is one Indian against another Indian?

MR. THORESEN. That is not the problem. I am talking about law enforcement for Indian reservations. For tribal laws and tribal rules they can make use of the same laws that we do in the State and county. That is the problem I am trying to discuss at the present time.

Now then, in the Rolette County insanity board hearing, the reservation agency at the reservation wrote the letter, as I understand it from the facts that were presented to the department and to the attorney general, that the Indian agency would pay to the county of Rolette the \$45 a month which had been arbitrarily designated by the

State legislature as the contribution which each county must make for any person that they commit to the State hospital.

The State law specifically states that that is not the total charge, that the State institution has a right to charge against a person, his estate or his guardianship, whatever the State board of administration determines is the per capita cost for keeping a person at the State hospital. So then they asked for an opinion and in that case we ruled that the board of insanity of Rolette County had no jurisdiction to declare a person insane, if he is an enrolled Indian living upon an Indian reservation.

You have your Federal law setting up the board of insanity upon an Indian reservation who may take jurisdiction and declare a person a fit subject for commitment to an institution. We have no objection to taking care of these persons if such an insanity board commits them to our State institution provided that the Department of the Interior or the Indian Agency will settle down and make a deal, a contract with the State board of administration to pay for the per capita cost like any other citizen of the State of North Dakota must do if they have the means with which to pay.

There is no person committed to the State hospital at Jamestown that must not pay the full cost of his keep. Maybe he has no property, but the law specifically provides that they may bring an action against his estate to collect the difference or, if he has the means during his lifetime, his guardian must take care of it.

But after writing that opinion I had a visit from some Indian lady, the caseworker from the Indian Agency up there I think, and had to take about 2 hours of abuse and a lot of names that you can't find in the dictionary because of the fact that we had refused to take jurisdiction and commit this lady to the State hospital; and when it was all said and done it settled down to this one question.

So far they haven't done anything about it. They have made no contract with the State board of administration that I know of and consequently the State has the right to refuse to take these persons and take care of them without the contract entered into by the Department of the Federal Government that has to do with that problem.

Now, as to the enforcement of crimes generally, as I say, the question came up all the time in our office as to jurisdiction. So I petitioned the Supreme Court of the State of North Dakota for that court to take original jurisdiction and issue what we call a supervisory writ to determine the jurisdiction question as to whether or not the State of North Dakota could assume jurisdiction in face of the constitution of the State of North Dakota which has delegated or released the State from any jurisdiction over Indian lands and Indian property.

It is a discretionary matter with the supreme court whether they will take jurisdiction or not. So they didn't think the question was any more important than a ruling from the attorney general's department. They thought that would suffice and were pretty well loaded down with other work and refused to take original jurisdiction.

As a result of that this opinion was rendered which has been discussed so much.

Congress itself in passing of Public Law 280 in the last session of Congress recognizes the fact that there are States, and North Dakota is one of them, that must accept jurisdiction if it is tendered by the Fed-

eral Government. Even the Department of the Interior rendered an opinion to the Committee on Indian Affairs at a hearing on Public Law 280 indicating that there were certain obstacles by certain States including North Dakota that had to be taken care of before North Dakota could assume jurisdiction and that is an amendment of the constitution of the State of North Dakota to do away with the disclaimer of jurisdiction over Indian lands and Indian property. I think that is the one you have there.

This opinion was written by Orme Lewis, Assistant Secretary of the Interior, and addressed to Mr. Miller who I presume was one of the members of the committee conducting the hearing before the House of Representatives on what is now known as Public Law 280 and was then House Report 1063.

So then the Attorney General's department issued this opinion that although Congress had in 1946 passed a law granting to Benson County jurisdiction over the Devils Lake Indian Reservation that that law did not become operative and will not become operative until the State of North Dakota by proper legislative means have amended the Constitution of the State of North Dakota and the legislature has passed laws which will give to the State the machinery with which to enforce the laws upon an Indian reservation that they heretofore had disclaimed.

Now, I think that that is all I have to say. I had hoped and tried to get this matter before the courts, to get it finally determined, but so far I don't know of any litigation pending that will bring it before the State supreme court.

Chairman LANGER. Thank you very, very much.

Mr. KASTLER. I would like to ask you a few brief questions, if I may.

Mr. THORESEN. Yes, sir.

Mr. KASTLER. In your State, the State civil and criminal laws apply to all Indians off the reservation; is that not correct?

Mr. THORESEN. All known enrolled Indians.

Mr. KASTLER. But if you have an enrolled Indian who is off the reservation, do I understand you to say that the State will not take jurisdiction of that?

Mr. THORESEN. Well, that is a question that we haven't passed on as far as our department is concerned.

We passed upon the question of enrolled Indians upon Indian reservations, and for me to sit here and make an offhand ruling, I would rather not do that. But we do have this. I might mention this. The problem came up not very long ago through our highway patrol as to the enforcement of State law upon these State highways or Federal highways, State highways and county highways that run through the reservation and in searching through the law we find that the courts have held that when the Department of Interior grants a right-of-way to the State for the purpose of building a road that thereby they take away, you might say, the exclusion that it is no longer Indian property and the State laws may be enforced upon the public highways of the State.

Mr. CASTLER. Well, do I understand that if an enrolled Indian were picked up on a city street for driving while intoxicated, let us say, your sheriff would make a determination of whether he was enrolled or not before prosecuting his crime or taking him under arrest?

Mr. THORESEN. Do you mean when he is off the reservation?

Mr. KASTLER. Yes, I do.

Mr. THORESEN. That I am not passing on. I don't think there would be any objection to arresting an Indian when he is off the reservation unless he raises the question of jurisdiction himself. I don't think it is the function of the sheriff to inquire as to whether he is enrolled or not enrolled.

We have many Indians that are just like any other race or nationality. They live most any place in the State and are not enrolled, the same as any other citizen.

Mr. KASTLER. That is true. But your opinion didn't take into account an Indian raising objection to jurisdiction on the Devils Lake reservation.

Mr. THORESEN. But the question was asked as to whether or not the State courts under that law that was passed in 1946 and the prospective Public Law 280 gave to North Dakota the jurisdiction over enrolled Indians upon Indian lands. And that is the question that we answered.

Mr. KASTLER. Well, I believe that you realize the result of our talk here might be that every Indian offense that is committed within the State off a reservation might from this moment on give rise to the Indian saying "I am an enrolled Indian. You have no jurisdiction over me." How do you propose to take care of that situation, if it should arise?

Mr. THORESEN. That is a question for the court to determine when that question is raised.

Mr. KASTLER. Wouldn't you agree that that is a very vital subject?

Mr. THORESEN. I think it is. I think the whole question is vital, and that was one reason why the opinion was given, to bring to the attention of the Federal Government and the people of the State of North Dakota that very serious problem as to who has jurisdiction over what; and if it brings that result I am very happy because that is the question we want to have solved.

If you could bring it into court and get the State supreme court or the United States Supreme Court to pass upon it, so much the better, and the quicker it is done the better.

Mr. KASTLER. Well, do you agree that this matter of defining an Indian and an enrolled Indian is largely a matter of a legal definition only?

Mr. THORESEN. No; I don't recognize that. An enrolled Indian, as I understand it, is an Indian that is a member of a tribe, so enrolled. I don't think it is a matter of definition.

I imagine it is a matter of tribal relationships and when that is severed he is no more a ward of the Government and then he becomes just like anybody else.

Mr. KASTLER. Can you say that every Indian in Devils Lake Reservation is an enrolled Indian?

Mr. THORESEN. I haven't said anything of the kind.

Mr. KASTLER. But you have withdrawn your jurisdiction from Devils Lake Reservation entirely.

Mr. THORESEN. I have withdrawn jurisdiction from crimes committed on an Indian reservation. Now, that is plain enough.

Mr. KASTLER. And you say the assimilated crimes act might be applicable?

Mr. THORESEN. The Federal Government may make use of the State laws in prosecuting crimes upon Indian reservations.

Mr. KASTLER. In that act it provides that that area over which the Federal Government thereby would have jurisdiction must be an area exclusively within the dominion and control of the Federal Government; isn't that correct?

Mr. THORESEN. Well, I am not discussing the law as it is enacted; all I am saying is that, as I understand it, the Congress has passed that law to give to the Federal authorities laws that will punish crimes which theretofore had not been subject to any Federal laws, making it a crime, or maybe even under tribal court rules and regulations not being a crime.

Mr. KASTLER. But I am just trying to point out a fact. Is this matter of assimilated criminal jurisdiction in the Federal Government a matter where the Federal Government has exclusive control?

Mr. THORESEN. I haven't said that. I think they have exclusive control if the State hasn't got any or nobody else has.

Mr. KASTLER. If Congress should say the State shall have civil and criminal jurisdiction on Devils Lake Reservation?

Mr. THORESEN. Yes. Then what?

Mr. KASTLER. Is that not withdrawing the exclusiveness of the Federal control, if Congress says that?

Mr. THORESEN. No, for the simple reason that it is part of our constitution that we have disclaimed any jurisdiction over it and that is part of your enabling act, the contract with the Federal Government, and it says in our constitution, not the legislature but the people of the State of North Dakota forever disclaim any jurisdiction over Indian lands or Indian property.

Mr. KASTLER. The promise is made in that constitutional provision to the Federal Government. Is that not correct?

Mr. THORESEN. It is in our constitution; consequently that constitution must be amended before we can accept the jurisdiction.

Mr. KASTLER. Isn't it true that the Federal Government did not take advantage of the promise made in the constitution?

Mr. THORESEN. Yes, but the people of North Dakota have something to say about it too. The Government has already granted to the State of North Dakota jurisdiction if they want to accept it.

My point is that the people of North Dakota must accept the jurisdiction before it becomes effective.

Mr. HART. You don't mean to say that you believe the attorney general here should make a ruling that is clearly unconstitutional, do you, and that he should assume the authority of the State legislature and make a ruling that is adverse to the constitution of the State?

Mr. KASTLER. I certainly do not say that. I do not say that this would result in an unconstitutional ruling, Mr. Hart.

Mr. HART. Are you familiar with the constitution of the State of North Dakota?

Mr. KASTLER. I have studied it and I might at this point say that at one time about a year ago I was engaged in making a legal search and survey to answer a question you yourself had proposed to the solicitor of the Department of the Interior. In that opinion or in that letter, we did take the position that there was no constitutional violation in this. We also took the position that there was more than one

way of the Federal Government passing State jurisdiction to the State of North Dakota.

Mr. HART. Is there any reason why you could not bring an action in district court to prove whether your opinion is right or the attorney general's opinion is right?

Mr. KASTLER. I feel certain this is slated for a court test at an early time in your own State.

Mr. HART. May I advise you that we welcome a test of that tomorrow if you can get it going.

Mr. KASTLER. Thank you, Mr. Hart.

Mr. HART. We are just as interested in clarifying these lines of confusion as you are. In fact, we are a little more interested because we are here on the firing line faced with these problems, and we are very glad that there is some affirmative action being taken in getting into court instead of merely opinions from your office.

Mr. KASTLER. I recognize your position.

Chairman LANGER. Mr. Feidler, the State's attorney of Sioux County, do you have a question?

Mr. FEIDLER. Yes. Thank you, Senator. I would like to ask Mr. Thoresen this question.

What about these people who have already been in? What if a writ of habeas corpus is brought by some criminal lawyer stating that we didn't have jurisdiction? You can't bring them up in double jeopardy. What is going to happen there? Is that person going to be turned loose?

Mr. THORESEN. I don't think I should be asked to pass upon questions like that. After all, that is the question for the court when the question comes before it as to what to do with them.

Chairman LANGER. I think Mr. Thoresen has been very fair and frank.

Mr. THORESEN. I want to call his attention to Public Law 280 to show you what Congress itself has said about this very question that you are talking about.

In section 76, Public Law 280, Congress passed this act which was approved on August 15, 1953: The consent of the United States is hereby given to any other State—there were five States mentioned in here—not having jurisdiction with respect to criminal offenses or civil causes of action or with respect to both as provided for in this act to assume jurisdiction at such time and in such manner as the people of the State shall by affirmative legislative action obligate and bind the State to the assumption thereof.

That is a legislative congressional act, Public Law 280. They recognize that the State of North Dakota doesn't have jurisdiction. They recognize the fact that Congress cannot force the jurisdiction upon the State of North Dakota until the constitution of the State has been amended.

Mr. KASTLER. Thank you, Mr. Thoresen. I have previously had my attention called to Public Law 280 and will be glad to correspond with you further to explain as fully as I possibly can the department's views on this.

Chairman LANGER. That will settle that. That is fine.

Mr. HOLMES. I would like to ask one question as more of an observation perhaps than a question. Is there some serious question in your

mind as to the jurisdiction of the State, criminal jurisdiction over an Indian who makes his home off of the reservation even though he is an enrolled Indian if he lives off the reservation and commits a crime off of the reservation? Is there some serious question in your mind as to the State's jurisdiction?

Mr. THORESEN. Well, I would say that there is a question in my mind; yes, a very serious one, but I am not ready and willing here to make any final conclusion on it.

Mr. HOLMES. I realize that these questions being discussed here are very, very complicated legal questions, the most complicated in the world.

Would you mind if I would come by and discuss this with you in more detail?

Mr. THORESEN. I would be very happy to have any of you come and talk it over.

Mr. HART. I wish to assure you, Mr. Thoresen, that anytime he is there, if you invite me, I will come.

Mr. CHRISTIANSEN. You mentioned the jurisdiction over highways. I believe it was a Wisconsin case.

Mr. THORESEN. That is right.

Mr. CHRISTIANSEN. I understand that applied just to State highways on the reservation?

Mr. THORESEN. Well, of course, you understand, Mr. Christiansen, that by congressional action every section line to the extent of 30 feet on each side, isn't it 60 feet—whatever the width is—has been forever dedicated to public travel. So it is no part of an Indian reservation, because that is dedicated to the public, and consequently it forms no part if they use the dedicated part. I think it is 60 feet or something like that.

Where the Federal Government has granted easements to the State highway department, of course, then they have done it by easement or by deed. That has been excluded from the reservation as far as law enforcement is concerned.

Chairman LANGER. Thank you very much, Mr. Thoresen.

Mr. CHUMBRIS. Mr. Peterson.

STATEMENT OF M. F. PETERSON, STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE OF NORTH DAKOTA

Mr. CHUMBRIS. Please state your full name, your address, and your official capacity.

Mr. PETERSON. M. F. Peterson is the name. I am State superintendent of public instruction, and I live here in Bismarck.

Mr. CHUMBRIS. Mr. Peterson, this hearing is looking into many of the facets of Indian affairs and problems that might be brought up that give us an indication as to what the youth problems among the Indians are. We would like for you to, in your own way, make whatever statement you have to show the progress in the State of North Dakota.

Mr. PETERSON. I am happy to say that the schools in North Dakota are open to the Indian children and we do expect the Indian children to comply in the same way that the white children do in public-school attendance as well as meeting requirements for subject passage, promotion, graduation, and so on.

Our problem is, of course, in the enforcement of attendance. I do not have accurate figures, but we feel that the attendance of the Indian children is about 10 percent less than the white children in the public schools.

Mr. CHUMBRIS. Their daily attendance is about 10 percent less?

Mr. PETERSON. That is right, average daily attendance during the year.

Mr. CHUMBRIS. In view of the cultural background of the Indian population, does that seem too much out of line?

Mr. PETERSON. I do not think it is a bit out of line. I think it is good really, that 10 percent less is a good percentage.

Mr. CHUMBRIS. Continue.

Mr. PETERSON. I really would prefer that questions be put to me since I am not exactly sure just how far I should go into this. I do want to say, though, that we are the department of public education, and that is just exactly what we are there for, to provide public education for all of the children of North Dakota, and there is no discrimination at all whether they are white, red, or black, or any other color. I want to emphasize that part of it.

Mr. CHUMBRIS. Do you have any figures to show what the average cost per student is in the school system?

Mr. PETERSON. Yes, the average daily attendance cost is \$252 for the year ending June 30, 1953. We do not have the compilations made for the year ending June 30, 1954. We make that compilation from the annual reports of the county superintendents which are due in our office September 15, and they are not all, of course, reviewed yet.

Mr. CHUMBRIS. And this is the average cost per student. That means all students, Indian and non-Indian?

Mr. PETERSON. All students, Indian and non-Indian.

Mr. CHUMBRIS. Do you have a contract with the United States Government on the cost for Indian children?

Mr. PETERSON. Yes, we have a contract pursuant to the Johnson-O'Malley Act.

Mr. CHUMBRIS. Do you have the figures pertaining to that?

Mr. PETERSON. Yes, I do.

Would you like to know the total amount provided for in the contract?

Mr. CHUMBRIS. That is right.

Mr. PETERSON. \$60,000 for the last year. For the fiscal year 1955 we have not signed the contract.

Mr. CHUMBRIS. What was it in previous years? Do you have the amount?

Mr. PETERSON. 1953 and 1954, \$60,000, and for the year before that I believe the figure was \$45,000.

Mr. CHUMBRIS. Is that broken down into in any particular way that would be of interest to the subcommittee? Do you have an average cost per student or how do they break that down?

Here is a chart here—"States which contract with the United States Commissioner of Indian Affairs under the authority of the Johnson-O'Malley Act of 1934"—and it gives the different States, the number of pupils, the cost, the expenditure.

Mr. PETERSON. Yes, 640 pupils in 15 counties, and 40 schools, and the total amount received from Johnson-O'Malley was \$60,000, which

includes \$15,000 for the Cannon Ball district which recently became, as you probably know, a public school district, and it also includes costs of administration.

I do not seem to find just exactly the report I want, although I know it is here.

Mr. CHUMBRIS. We notice here there was a difference in average costs in different States. Would you like to comment on that also?

Mr. PETERSON. The average cost in the United States is \$247. So we are just a little bit above the average of the United States—the average cost of education. I cannot give you the figures as to the average cost in Minnesota right offhand.

Mr. CHUMBRIS. Now, you were looking for an exhibit. Did you want to find that and present that to us?

Chairman LANGER. Mr. Peterson, maybe this exhibit will help you.

Mr. PETERSON. What I was looking for was a recent report of our program under Johnson-O'Malley. Here is the report for the fiscal year ending June 30, 1953: Receipts from the Indian office \$62,000. I gave you the wrong figure of \$60,000. The total for administration that year, \$5,700, plus travel, office equipment, communications, and so on, amounting to \$500, a total of \$500 plus the \$5,700, which would make \$6,200. Allotment to schools that year, \$76,800, which provided the total expenditure of \$83,000, and we received from the office there \$62,000.

Mr. CHUMBRIS. Do you have some of those exhibits that you could leave with the subcommittee?

Mr. PETERSON. I could leave this one. It is for the year ending June 30, 1953.

Chairman LANGER. Thank you, Mr. Peterson. Let that be exhibit No. 28.

(The document referred to was marked "Exhibit No. 28," and reads as follows:)

EXHIBIT No. 28

Indian education fund budget, North Dakota, July 1, 1952, to June 30, 1953

I. Receipts:

A. From Indian Office.....	\$62,000
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II. Expenditures:

A. Administration and supervision:

1. Salaries:

(a) Supervisor	3,600
(b) Clerk-stenographer.....	2,100

Total	5,700
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B. Travel, subsistence, office equipment, supplies, communications, and postage.....	500
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Total for administration and supervision.....	6,200
C. Allotments to schools, 1952-53.....	76,800

D. Total expenditures	83,000
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State Superintendent of Public Instruction.

NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION
ADMINISTRATION OF INDIAN TUITION
Financial statement, July 1, 1951, to June 30, 1952

RECEIPTS

United States Department of Interior contract No. I-169-Ind-216:	
Payment of Indian tuition-----	\$38, 800. 00
Administration-----	6, 200. 00
Balance in administration fund, June 30, 1951-----	7, 078. 53
Total receipts-----	52, 078. 53

EXPENDITURES

Indian Tuition:	
Fort Totten School District No. 30-----	\$92. 24
Wood Lake School District No. 32-----	1, 556. 33
Lone Tree School District No. 34-----	70. 39
Bismarek School District No. 1-----	1, 755. 73
Lincoln School District No. 38-----	235. 17
Dodge School District No. 8-----	172. 06
Killdeer Special School District No. 16-----	147. 45
Wise School District No. 36-----	76. 34
Connors School District No. 50-----	334. 22
Roosevelt School District No. 51-----	1, 420. 11
Ulrich School District No. 57-----	83. 97
Liberty School District No. 82-----	85. 17
Ziegler School District No. 85-----	369. 43
Fort Berthold School District No. 86-----	307. 74
Riverdale School District No. 89-----	600. 40
Beulah School District No. 27-----	421. 72
Sanish School District No. 1-----	2, 092. 04
Parshall School District No. 3-----	816. 45
Van Hook School District No. 8-----	671. 28
Devils Lake Special School District-----	1, 071. 35
Mohall School District No. 9-----	927. 41
Dunseith School District No. 1-----	2, 277. 19
St. John School District No. 3-----	4, 568. 81
Mount Pleasant School District No. 4-----	3, 507. 95
Russell School District No. 7-----	180. 84
Leonard School District No. 9-----	1, 278. 15
Brown School District No. 16-----	1, 523. 69
Hillside School District No. 23-----	460. 87
Weber School Districts Nos. 1, 2, 3, and 4-----	350. 02
Lincoln School District No. 1-----	123. 20
Solen School District No. 3-----	1, 009. 44
Selfridge School District No. 8-----	166. 10
Porcupine School District No. 14-----	329. 09
Farmington School District No. 5-----	274. 41
Minot Special School District No. 1-----	4, 099. 84
Nessen School District No. 2-----	85. 06
Buford School District No. 5-----	272. 20
Eight Mile Special School District No. 6-----	4, 786. 14
Total-----	38, 800. 00
Administration:	
Salary-----	4, 444. 88
Postage and supplies-----	61. 44
Travel-----	342. 74
Total-----	4, 849. 06
Total expenditures-----	43, 649. 06
Balance in administration fund-----	8, 429. 47

M. F. PETERSON,
State Superintendent of Public Instruction.

Mr. HART. You mentioned here that in your contract you gave \$15,000 to Cannon Ball School District, is that right?

Mr. PETERSON. That is right.

Mr. HART. Does your contract provide that you give \$15,000 to Cannon Ball School District?

Mr. PETERSON. It did so provide.

Mr. HART. Does it so provide now?

Mr. PETERSON. We have not signed the contract for fiscal 1955.

Mr. HART. In other words, of the \$60,000 that you are receiving actually there is only \$45,000 that you have anything to say about?

Mr. PETERSON. Right.

I might add that for fiscal 1955 we have been told that we would receive \$100,000 providing we comply with certain rules and regulations that we feel are not exactly just in the State of North Dakota.

Mr. HART. Would you explain to the Senator those rules and regulations?

Mr. PETERSON. Yes. This is not meant to be critical, but I think it is important. In various meetings with the public-school officials of our State, and I am referring to county superintendents and city superintendents, as well as in some cases school board members, it is the consensus of those people that the school receive the difference between the State and county payments and the actual cost of education, that amount to be received from the Federal Government.

Correctly or incorrectly, these people to whom I refer or whom I mentioned feel that the Indian children are wards of the Government and that that support for their education should come from the Government in lieu of their being on the tax rolls, and a couple of rules and regulations that we are requested to sign or to agree to and then sign which we have not done, one is that we will receive no funds under Johnson-O'Malley to pay to Indian schools in centers of a population of 500 or more.

I have written to our people who are heads of systems in schools of 500 or more, and they feel that they should receive the per pupil per day cost for Indian children like is received by the schools of smaller size. Consequently, we are hesitant about signing the contract because there is a danger, we feel or at least I do, that should those schools not receive the cost or the payments under Johnson-O'Malley that are received by a smaller district there may be discrimination on the part of some folks.

Now, we want no discrimination as to race, color, or creed in the public schools of North Dakota, and we don't want anyone to think in terms of discrimination on any level. I am thinking now especially of the local level.

There may be those who will be concerned about the education of children in their school for nothing and that is not only true because of color but even white children will say, "Well, they pay no taxes in our district. Yet they participate." But someone is paying taxes for them, and in cases where no one is paying taxes, then, these people feel that that gap should be filled by Johnson-O'Malley funds.

Mr. HART. May I ask you another question, Mr. Peterson?

You mentioned that the administrative rules and regulations have a provision that payments shall not be made to communities of 500 population or more; is that correct?

Mr. PETERSON. That is correct.

Mr. HART. Are these regulations occasionally subject to exceptions so that they except this regulation here, and this there, and this regulation in the other place?

Mr. PETERSON. Our understanding is that they are subject to variation or exception, and we are waiting for that exception.

Mr. HART. Do you know whether or not there is an exception to this 500 requirement as to Gallup, N. Mex.?

Mr. PETERSON. It seems to me there is. I don't have anything with me to prove the point, but it seems to me there is an exception there.

Mr. HART. As well as exceptions made to several other towns and cities of over 500 population?

Mr. PETERSON. That is right.

Mr. HART. Now, as to the program that you have to submit to the Bureau of Indian Affairs, have you checked other programs submitted by other departments to the Bureau of Indian Affairs in the administration of this money?

Mr. PETERSON. You mean other States?

Mr. HART. Right.

Mr. PETERSON. No; I have not.

Mr. HART. Do you know the per capita cost of the education of Indian children in the reservation day schools in this State?

Mr. PETERSON. I can't give you that figure.

Mr. HART. Of the Government day schools. You do not have that?

Mr. PETERSON. I do not have that.

Mr. HART. Your records will not show that?

Mr. PETERSON. No.

Mr. HART. Will your records show the amount of State money under tuition allotment and these various things that are going into various Indian supervised schools, such as Fort Yates, formerly the school at Elbowoods, and the school at Belcourt?

Mr. PETERSON. Our records do show the school at Elbowoods before its closing and also the school at Fort Yates. We do have those records.

Mr. HART. And those moneys are State moneys; is that correct?

Mr. PETERSON. Yes; they are from the State equalization fund.

Mr. CHUMBRIS. Do you have any questions?

Mr. KASTLER. No questions.

Mr. CHUMBRIS. Just one further question.

Chairman LANGER. Were you through, Mr. Hart?

Mr. HART. I tried to show to the committee that these records were available whenever the committee wanted them.

Chairman LANGER. We want them. What about Dunn City?

Mr. PETERSON. Yes; the Dunn City Public School receives money for the Indian children attending.

Mr. HART. Would you be able to supply the committee with the percentage of the actual cost that is being paid for by funds in Dunn City?

Mr. PETERSON. With a little research I could. Offhand I couldn't.

Chairman LANGER. You could supply all the towns?

Mr. PETERSON. Yes; I could.

Chairman LANGER. Thank you.

If you do that, I would appreciate that.

(The information referred to above was marked "Exhibit No. 29," and reads as follows:)

EXHIBIT No. 29

*Department of Public Instruction, Department of Indian Education, Bismarck,
N. Dak.—1953-54 school term*

County and district	Enrollment, Indian pupils	Average daily attendance cost per pupil, total enrollment	Johnson- O'Malley tuition receipts	Percent of cost
Benson County:				
Fort Totten No. 39.....	1	\$261.50	\$59.14	22
Wood Lake No. 32.....	19	230.85	2,436.56	55
Lone Tree No. 34.....	1	227.51	40.85	17
Bottineau County:				
Bottineau No. 1.....	4	213.24	151.67	17
Renville No. 25.....	4	213.39	289.49	33
Burleigh County: Bismarck No. 1.....	29	217.63	1,411.20	22
Dunn County:				
Dodge No. 8.....	2	337.00	223.81	33
Killdeer Special No. 16.....	2	180.41	56.76	15
Halliday No. 19.....	35	172.47	2,157.62	35
McKenzie County: Ideal No. 10.....	8	198.01	479.54	30
McLean County:				
Connors No. 50.....	5	222.60	248.38	22
Roosevelt No. 51.....	26	247.17	1,467.81	22
Ulrich No. 57.....	2	285.52	182.97	32
Crystal No. 64.....	2	326.39	202.24	30
Liberty No. 82.....	1	540.35	266.46	49
Riverdale No. 89.....	5	234.53	391.66	33
Mercer County:				
Hazen No. 3.....	3	188.33	118.71	21
Beulah No. 27.....	1	238.37	53.77	22
Mountrail County:				
New Town No. 1.....	86	180.40	6,935.23	44
Parshall No. 3.....	37	178.97	1,456.17	21
Ramsey County:				
Devils Lake Special.....	9	219.35	503.34	25
Odessa.....	3	423.19	151.47	11
Renville County: Mohall Special No. 9.....	9	276.50	872.74	35
Rolette County:				
Dunseith No. 1.....	36	212.00	3,345.38	43
St. John No. 3.....	72	232.32	9,258.77	55
Mount Pleasant No. 4.....	39	257.14	4,975.20	49
Russell No. 7.....	2	306.42	138.12	22
Currie No. 15.....	4	297.88	562.48	47
Hillside No. 23.....	9	444.99	298.58	7
Rolette Special No. 29.....	31	266.94	3,417.44	41
Sargent County: Havana.....	4	282.61	281.85	24
Sioux County:				
Lincoln No. 1.....	2	322.74	204.71	31
Solen No. 3.....	15	278.70	1,385.47	33
Selridge No. 8.....	1	279.19	71.36	25
Oak Grove No. 12.....	113	193.75	11,083.72	50
Walsh County: Farmington No. 5.....	3	295.19	360.48	33
Ward County: Minot Special No. 1.....	42	219.24	2,004.34	21
Williams County:				
Buford No. 5.....	3	444.36	491.58	36
Eight Mile No. 6.....	60	420.51	11,318.02	44
New School District No. 8.....	6	445.18	351.16	13
Barr Butte No. 37.....	3	253.72	187.32	24
Total.....	739	173,001.10	69,833.57	-----

Total receipts are equal to 40 percent of the total cost.

MR. CHUMBRIS. What is the progress of the Indian children in the public school system? Have you any record of that or any indication of the trend?

MR. PETERSON. My observation is that the progress of the Indian child is equal to the progress of the white child, and we find no difference as far as color is concerned.

MR. CHUMBRIS. And as to adaptability to the various subjects offered, it is about the same?

MR. PETERSON. About the same. Many whites are surpassed by the Indian children, and, of course, vice versa, because the numbers of Indian children in public school are relatively small. For example,

in one school here in Bismarck a couple of years ago there was a negligible number as far as the home school was concerned.

Mr. CHUMBRIS. On an overall State basis what is the percentage?

Mr. PETERSON. In public schools there were 640 children enrolled for fiscal 1953. I think the enrollment for this year is very close to 700 and the total enrollment in the public schools of North Dakota in 1953 was 118,305. I have a guess that it will be now about 120,000. So you see that their proportion is not very large.

Chairman LANGER. Any questions?

Mr. THORESEN. No questions.

Chairman LANGER. Thank you very much. I appreciate your coming down.

Mr. CHUMBRIS. Mr. Collins.

STATEMENT OF GERALD A. COLLINS, STUDENT ADVISER AND FIELD WORKER, STATE TRAINING SCHOOL, MANDAN, N. DAK.

Mr. CHUMBRIS. Will you state your full name, your address, and your official title, please?

Mr. COLLINS. Gerald A. Collins, Mandan, N. Dak., student adviser and field worker at the State training school.

Mr. CHUMBRIS. And you are here at the request of Mr. Thompson, who was unable to attend the hearings today?

Mr. COLLINS. That is right.

Mr. CHUMBRIS. Mr. Collins, do you have any figures to show the number of boys at the training school, their ages, for what crimes or what misdemeanors they were committed and how many are Indian and how many are non-Indian?

Mr. COLLINS. At our school we have both boys and girls, and our population right now is at a rather low ebb since we have covered our summer placements and everything like that. We have approximately 150 in residence at the school right now and of that group 20 are Indian boys and girls. That is broken into 8 boys and 12 girls at the present time of the Indian population.

Mr. CHUMBRIS. Do you have the age brackets also?

Mr. COLLINS. Well, I don't have the age bracket for this year. I have it for the last 3 years: 1951, we had under 16 years 2 boys coming in; 1952, 3 boys; and 1954, 1. There were no boys in 1953 under the age of 16. In 1951, 3 girls under 16; 1952, none; 1953, 3; and 1954, there was 1.

From 16 to 21, in 1951, we had no boys in that age group and also no girls. However, in 1952, we had 8 Indian boys admitted to the training school in the age group 16 to 21.

Chairman LANGER. Mr. Collins, were they the same girls and boys?

Mr. COLLINS. No; those are new commitments.

In that same year, there was 1 girl, 16 to 21, committed. In 1953, there were 3 boys and 1 girl; and in 1954, 6 boys from the age of 16 to 21 and 1 girl from 16 to 21.

As far as the offenses are concerned, we have this breakdown in the total 3-year commitment period in which there were 33 commitments: One for forgery; various sex offenses, 5; theft, 14; drunkenness, 5; incorrigibility, which includes truancy, vandalism, association with men of questionable character, drunkenness, and so forth, 8.

The charge specified in our commitment papers in 30 of those cases was delinquency. In other words, that means they were committed from juvenile court, and three of those commitments were from district court.

Mr. CHUMBRIS. Do you have the percentage which would show what percentage of the inmates are Indian and non-Indian?

Mr. COLLINS. Right now, as of October 12, 1954, 13 $\frac{1}{3}$ percent of our population is Indian. Probably a more representative figure would be June 30, 1954, when it was 14 $\frac{1}{2}$ percent.

Mr. CHUMBRIS. Of the number of inmates, 13 $\frac{1}{3}$ percent are Indians; is that correct?

Mr. COLLINS. Yes; but for the 3-year period, it is 10 $\frac{2}{10}$ -percent average over the 3-year period, so it seems as if there is a slight increase in the number of Indian commitments in proportion to the other.

Mr. CHUMBRIS. Senator, we have a questionnaire sent out by the subcommittee throughout the country, and our neighboring State of Montana shows that 40 percent of the inmates are Indian, compared to non-Indian. So we have heard so much about the juvenile delinquency in North Dakota, and you can see that record in North Dakota is far superior to the record of Montana.

Mr. HART. I would like to call your attention to the fact that this is including the ones that are now committed to this institution. Remember the tribal courts have had activity in the affairs of juvenile delinquency and may not have committed them.

Mr. CHUMBRIS. I am just giving an illustration of a neighboring State as to the percentage of inmates. They may have the problem there, too.

Do you have anything further that you would like to add, Mr. Collins? I understand that you have a letter.

Mr. COLLINS. We thought we had a letter, but we were unable to find it. We searched our files, and somehow or other it is missing.

Mr. CHUMBRIS. Would you like to relate to the subcommittee the story behind that letter, if you are familiar with it?

Mr. COLLINS. I am afraid I am not familiar with it. I am a fairly new employee at the training school, and it is a personal recollection of Mr. Thompson.

Mr. CHUMBRIS. If the chairman permits, could I relate the story given over the long-distance telephone?

Chairman LANGER. If there is a letter, find the letter.

Mr. COLLINS. We cannot find the letter.

Chairman LANGER. If not, we will not put it in. We will not use secondary evidence.

Mr. CHUMBRIS. Do you have any further facts and figures, Mr. Collins, that you wanted to add?

Mr. COLLINS. I think we could relate that as far as our institution is concerned there are some points that might be of information and interest.

Our Indian boys and girls, when they do come in, seem to be of slightly lower educational status than the white boy or girl of the same age, and also on our achievement and intelligence tests, that are given upon entrance, the Indian boys and girls score slightly lower. However, that is quite likely to be influenced by this cultural pattern.

Our tests are made up for a white population, and we find that they might be a little invalid in the case of the Indian boys and girls. However, the educational standing is lower.

At the time of commitment of those 33 in the last 3 years, 6 of those boys and girls had only from 1 to 4 years of education; 24 had from 5 to 8, and only 3 had begun high school.

Chairman LANGER. In view of what the attorney has just told me, you can give secondary evidence about the letter.

Mr. COLLINS. Well, Mr. Thompson, I think, gave it to Mr. Chumbris here.

Mr. CHUMBRIS. In talking to Mr. Thompson yesterday by long-distance telephone, while we were having our hearings in Rolla, he was giving an illustration of one of the young Indian boys in the training school, some number of years ago. This boy happened to come from the Belcourt area. He had not heard from the boy for a number of years, and one day he looked in the Chicago paper and saw a group of war heroes pictured on the front page of this Chicago paper.

He said, "By golly, that is that boy." So he wrote him a letter, and this letter got to the boy across the seas where he was serving his country as a soldier. And this soldier boy was the right boy. He picked the right boy from the picture.

This soldier boy wrote him one of the most beautiful letters that he has ever received, which is an indication that, even though these boys do get in trouble at an early age, they do become very useful citizens.

I believe you have some records to show boys who have left the training school who have made quite a record for themselves.

Mr. COLLINS. We completed this survey on another problem this year, but I can give you a résumé of the whole thing.

Mr. CHUMBRIS. I would like to ask this, Mr. Collins: If Mr. Thompson could find that letter, would he please send it to us at our offices in Washington? We would like to have it as a matter of record.

Mr. COLLINS. If you wish, we can also send you copies of these reports which we have here.

Mr. CHUMBRIS. Any exhibits that you have, we would like for you to leave them with us.

Mr. COLLINS. I am afraid we can't because these are the only copies.

Mr. CHUMBRIS. Could you make copies?

Mr. COLLINS. We could send the copies.

Chairman LANGER. Mr. Collins, it might interest you to know that in World War II, when the draft board in Sioux County sent out draft notices, when the first ones went out, a group of young Sioux Indian boys walked into the draft office and threw the notices down and said, "Since when has it become necessary to draft a Sioux Indian boy to fight?"

Joe Wicks had two boys. One was 16 and 1 was a little over 17. They both came in and enlisted. In order to enlist, they did not tell the truth about their ages, as a matter of fact, and one of them became a very famous flyer.

It is just an indication that they wanted to serve their country. When you talk with those boys down there, you are struck with the fact that they are very, very loyal. One fellow down there became intoxicated during World War II and he threw the American flag down upon the ground and the result was that the Indian boys there gave him a terrific beating for stepping on the American flag.

I mention these things to you to show you the loyalty of those Indians in Sioux County.

Mr. COLLINS. We are rather proud of the record of our former students. This is our survey that we have here and is taken from approximately 1941 through the end of the Second World War and to the Korean war.

During that time 457 boys and girls, formerly students of the State training school, served in the Armed Forces. The breakdown is 266 in the Army and corresponding smaller groups in the Navy, Air Force, and so forth. We even had 4 who served in the WAC's, WAVES, and Women's Air Force, 4 girls. Of that whole group, 456, we had 9 commissioned officers, second lieutenants, first lieutenants, and a couple of those grades were not shown in our records.

Fourteen of our boys were killed in military service, 18 were wounded, 1 missing in action, and 1 a prisoner of war. We had 34 commended for outstanding heroic service or recommended important positions of trust and confidence with the military.

Then we come to the other end of the scale and find a total of 51 boys in some kind of difficulty with the military authorities. That is, 11 $\frac{1}{10}$ percent at some time or other got in trouble with the military authorities. We think that is a good record, considering the backgrounds that some of these boys and girls had.

Chairman LANGER. That report will be included in the record at this point.

The report shows that 457 individuals, formerly students of the State training school, served with the Armed Forces of our country. In many cases our only means of contact with these students was through their correspondence advising us they were in the service; consequently, there are undoubtedly another 200 students with military service of whom we have no record. We have records, of course, of all students entering the service from this institution.

Served with the U. S. Army	266
Served with the Airborne Infantry (paratroopers)	11
Served with the U. S. Navy	61
Served with the U. S. Air Force	68
Served with the U. S. Coast Guard	2
Served with the merchant marine	2
Served with the U. S. Marines	12
Served with the WAC	1
Served with the WAVES	2
Served with WAF	1
Branch of the service unknown	31
Total	457

From the above group we have the following additional statistics to report:

Commissioned officers-----	9
Killed in military service-----	14
Killed in service: Edwin Clancy, Vincent Crawford, Joseph Goudreaux, Ervin Hochhalter, Vernon Hopkins, Leon Ilgen, Gust Kandas, Ivan Krein, Alfred Monson, Arthur Morrison, Robert Newman, Lloyd Selby, Harold Solomon, and Ross Veach.	
Wounded in military service-----	19
Missing-----	1
Prisoner of war-----	1
Commended for outstanding heroic service or recommended for important positions of trust and confidence with the military-----	¹ 34
Reportedly a. w. o. l.-----	² 29
Confined because of offenses against military law-----	22
Total-----	³ 51

¹ This figure includes the 9 commissioned officers.

² Several of these a. w. o. l. military personnel returned to the service and set up a good military record thereafter.

³ This figure represents 11.2 percent of the total of 457. Deducting those individuals who returned to service and set up good records thereafter, places the figure at less than 10 percent.

Source: Research conducted and statistics compiled, September 1954, by Grant N. Carlson, record clerk, student welfare department, North Dakota State Training School, Mandan, N. Dak.

Chairman LANGER. While we are talking about this matter of Indians, of course, aside from Vice President Curtis and Mrs. Woodrow Wilson, having a large percentage of Indian blood, we had a Federal judge here, Charles F. Amidon, who had a large percentage of Indian blood. He made an excellent judge.

Mr. COLLINS. I think in our institution we have at first a little more difficulty with the Indian boys and girls because they do not adjust readily to confinement. They are not able at first to react well to the situation. However, after the first period of close supervision and a little more custodial attention, they work in very well with our program. And as far as repeating the offenses after they leave the training school on placement of one type or another, I would say the percentage is no larger and probably a little smaller than the same white population.

In fact, this year, out of 104 students placed out, we had 12 that came back, and of that 12, 1 was an Indian boy. It is a smaller percentage this year.

(The statistics on placements are as follows:)

State Training School, Mandan, N. Dak.—Records of placements to date for 1954

Army placements-----	9
Other than Army placements-----	104
Total placements-----	113
Satisfactory placements-----	101
Unsatisfactory placements-----	12
Total placements-----	113

Chairman LANDER. Thank you very, very much.

Mr. HART. May I ask one question, please, Senator?

Chairman LANGER. Surely.

Mr. HART. Do you receive any reimbursement from the Bureau of Indian Affairs for the students in the State training school?

Mr. COLLINS. No; we do not.

Mr. HART. Do you know of any other States that do receive reimbursement from the Federal Government for students in their training schools?

Mr. COLLINS. I personally do not know of any, but I do not know much about that phase.

Mr. HART. Thank you.

Chairman LANGER. Call your next witness.

Mr. CHUMBRIS. Mr. Tschida.

**STATEMENT OF MICHAEL J. TSCHIDA, CONTACT REPRESENTATIVE,
VETERANS' ADMINISTRATION, BISMARCK, N. DAK.**

Mr. CHUMBRIS. Will you state your name, address and position for the record, please?

Mr. TSCHIDA. My name is Michael J. Tschida. I am employed by the Veterans' Administration in the Bismarck VA office as a contact representative.

My work is to advise and guide veterans; explain various Federal laws that are of benefit to them, to their beneficiaries and dependents; to establish, file, and develop claims of various sorts to start out the boys who need vocational rehabilitation, who have been injured in military service; and to help those who wished, under Public Law 346 or 550, to go to school and take on-the-job training, and things like that.

We do not have much of a problem with juvenile delinquency in the Veteran's Administration, because we get these boys when they come back from the wars. It is our mission to start them out.

Mr. CHUMBRIS. I have a question, Mr. Tschida. In discussing this matter with you this morning, I think that the primary thing the subcommittee would like to have answers to are certain questions that were raised by those who attended the hearings at Rolla, at Fort Yates, and also at New Town.

Their complaint is this: that they are not given the same type of treatment as the non-Indian in certain veterans' rights, especially as it applies to education and as it applies to obtaining Federal loans.

Do you have any comment on that?

Mr. TSCHIDA. Insofar as education and vocational rehabilitation is concerned, I don't know of a single case in this area that they haven't been treated on the same basis as the whites. In fact, we are encouraged to give them the benefit of every doubt, to do everything that we can for them.

Insofar as loans are concerned, they come to us and say, "What about these GI loans?" "Explain that, will you?" So we tell them: "Bring your discharge papers in here and we will get a certificate of eligibility for you which shows that you are entitled to a loan guaranty. What do you want this loan for?"

Well, most of the boys would say: "We would like to have a GI loan to buy some land. We want to follow the agricultural pursuits. We want to farm. We want to raise cattle, and do things like that."

So we send these into our regional office, these separation papers, and in a few days they are returned. And a week or so afterward they get a certificate of eligibility, entitling them to a loan guaranty, which

means that the United States Government will stand behind these loans and guarantee them up to 50 percent of any amount of money they can get up to \$20,000 or a maximum guaranty of \$4,000.

Then the veteran takes this document and starts out to find a lender. Invariably, he comes back in a day or two and says: "Well, you made that sound pretty easy. It just isn't that way." "Well, what's the matter?" "Well, they won't give me any money. They don't think that I am a good credit risk."

"Why not? Have you ever been in trouble?"

"No."

"Do you owe anybody?"

"No."

"A good soldier?"

"Bet your life."

Well, then we say, "You better try another banker and see if you can't do business with another banker."

They will come back after 2 or 3 misadventures like that and say, "I guess we are being discriminated against."

That is the only field in which we have had difficulty in getting for them what we think is a just entitlement.

Mr. CHUMBRIS. You are a specialist in veterans' affairs; is that correct?

Mr. TSCHIDA. I try to be.

Mr. CHUMBRIS. That is why you are in that position?

Mr. TSCHIDA. Yes.

Mr. CHUMBRIS. This subcommittee would like to know what recommendations you could make from your experiences with the difficulties that these veterans have been confronted with, what recommendations you could make as to either a change in the law or maybe changes within the regulations in the Veterans' Administration itself to help overcome these difficulties.

Mr. TSCHIDA. The primary difficulty in this area is that they are unable to obtain commercial credit with the VA guaranty of 50 percent. The only solution I see to that is that Congress make money available for direct loans for the purpose of setting these boys up in farming ventures at a low rate of interest amortized over a long period of time. That would solve it if it could be done.

Mr. CHUMBRIS. Have you any other suggestions that you might make about any of the problems that they have related to you? I am sure they have come to you and told you their problems; is that correct?

Mr. TSCHIDA. Yes.

Mr. CHUMBRIS. Are there any other suggestions that you would like to make at this time that might help them out in gaining some of the benefits that Congress intended that they should have just like any other veteran?

Mr. TSCHIDA. We don't have any trouble in getting any of these things that we are directly responsible for and that we have the supervision for, and programs that we must initiate like job training, hospitalization, rehabilitation, medical, dental, things like that. Those things function all right.

What puts us in the hole here is that we have money to lend to veterans to buy homes through direct appropriation of the Congress. We got \$150 million again this year, but we have never received any

money to help these boys in farming ventures, and that, I would say, is our outstanding problem in this area.

Mr. CHUMBRIS. One other complaint they have raised is that they can get veterans' benefits as far as college education but have to wait 2 or 3 months before the checks start coming in and just don't have the initial outlay to take care of themselves for those 3 or 4 months.

Is there anything in the regulations or in the Veterans' Administration law that could take care of that or, if not, are there any suggestions that you could make as to amending the law or regulations?

Mr. TSCHIDA. Only if a veteran is disabled and is pursuing a course of education or job training under Public Law 16 or 894, if he has no money, the Veterans' Administration can make a direct loan to him of \$100 to tide him over to the time when the checks start coming. Normally, it does not take over 60 days. We know that it is a hardship on some of them to keep going under their own power for 60 days.

Mr. CHUMBRIS. You say only if he is disabled; is that correct?

Mr. TSCHIDA. Yes; then he has access to a loan of not to exceed \$100, and he pays that back by small deductions, say, of \$5 a month out of his subsistence allowance that the Veterans' Administration pays him.

Chairman LANGER. Any questions, gentlemen?

That will be all.

We will recess for 10 minutes.

(Whereupon, a brief recess was taken.).

Chairman LANGER. We will come to order.

Call your next witness.

Mr. CHUMBRIS. Mr. Svore.

STATEMENT OF JEROME H. SVORE, DIRECTOR OF PUBLIC HEALTH, STATE OF NORTH DAKOTA

Mr. CHUMBRIS. State your full name, your address, and your official capacity, please.

Mr. SVORE. My name is Jerome H. Svore, director of public health in the State of North Dakota.

Mr. CHUMBRIS. Mr. Svore, in your own words, would you please explain the picture here in North Dakota as to the hospitals that have been closed, the mobile health units that are supposed to be in operation here in the State, as we talked informally during the recess?

Mr. SVORE. The X-ray units that the State health department operates are taking the small X-ray pictures. We usually try to get around the State once every 3 years.

Now, we had planned during this year to get into Sioux County and also into Hettinger County and Stark County. However, because of certain circumstances, we were unable to make it, and it is my understanding that at the hearing down at Fort Yates there was some mention of the inability of X-ray units to service Sioux County this year.

The reason for it was a matter of personnel and breakdown of the two units that we do have. However, our plan is still to start out next year in those three counties that we were unable to cover this year. They were there 3 years ago. We covered the entire State on that basis.

I might mention a few points about tuberculosis and that problem, as long as we are on it, if you wish.

Mr. CHUMBRIS. Yes.

Mr. SVORE. In North Dakota, with an Indian population of about 1.7 percent of the entire population, we have about a third or about 25 percent of our tuberculosis deaths and cases in the Indian population.

At the present time, it is my understanding that about a third of the admissions at the sanatorium at San Haven are Indians.

We have recently done considerable work in the field of tuberculosis case finding, follow up work in Rolette County; as a result of that, we have brought in a larger percentage from the Turtle Mountain Indian Reservation into the sanatorium than from any other area.

Mr. CHUMBRIS. In a few words, could you explain the reason for that high percentage of the Indian population as compared to the non-Indian?

Mr. SVORE. I imagine that there is to a certain extent the matter of susceptibility. There also, of course, is the matter of living conditions and the sanitation or lack of it, I should say, that usually goes with a high tuberculosis rate; but there also is the matter of susceptibility.

Mr. CHUMBRIS. I imagine that particular problem has been worrying the officials, State, Federal, and local.

Mr. SVORE. It has, of course, worried us to a considerable extent. We have at the present time 270-some Indians on the tuberculosis register. That does not mean that we have 270 active cases of tuberculosis in the Indian population. It does mean that we still carry them on our register. They have not been cleared entirely, but they are not considered in any way as public-health menaces.

We still have, I believe, 4 or 5 that we are carrying on the rolls now as public-health menaces that have not been cleared up.

Mr. CHUMBRIS. Do you find the susceptibility in the younger generation similar to that of the older or has it been a trend there?

Mr. SVORE. Well, I might answer it this way: As of today, there are 42 Indians in the sanatorium and 16 children that are—no, those figures won't answer the question because these 16 children are South Dakota Indians, and we have 42 North Dakota Indians in the sanatorium. What the breakdown of that is I am not sure. In this younger population, you have a high susceptibility.

Mr. CHUMBRIS. You have a high susceptibility?

Mr. SVORE. You have a high susceptibility in the children.

Mr. CHUMBRIS. Because of their young age?

Mr. SVORE. Because of their age. The immunity is not there. Is that your question?

Mr. CHUMBRIS. Well, overlooking the factor that there is a susceptibility in younger children, still is there any improvement? I would like to get whether or not we are showing any improvement as the years go by in conquering this tuberculosis amongst the Indians.

Mr. SVORE. Yes; we are.

Within the last couple of years, we have had in the Indian population some 30 or 40 Indians that we have considered as public-health menaces. One of the things that Mr. Hart has done is to really get behind the push to get the State's attorneys to follow up on the public-health menaces and get them into the sanatorium for treatment.

As a result of that, I mentioned before, we have only 3 or 4 public-health menaces right now as compared to 30 or 40 a short time ago.

Maybe you can bear out those figures, Mr. Hart?

Mr. HART. I am not familiar with the statistics.

Mr. SVORE. You can bear out the fact that there has been more impetus toward getting them into the sanatorium.

Mr. HART. I was going to refer at this time to the terrific impetus especially in Benson County where I believe there is not a single Indian tuberculosis health menace. That is the first time in the history that that has happened.

Mr. SVORE. That is right.

What I was going to proceed with was that we have an arrangement with the Indian service. We have contracts that have been negotiated with the State and the Indian service in Aberdeen in carrying on public-health work in the reservations here in North Dakota.

As a result of these contracts, we have done considerable work recently on the Turtle Mountain Reservation. The work that we have done up there is by one of our public-health representatives, who works not only in the tuberculosis field but also in the venereal disease field. It is through his efforts and through our case-finding work of the tuberculosis association that we have been able to bring in as many Indians from that reservation into the sanatorium during the last quarter. I might give you that figure, if you wish.

Incidentally, we have one public-health menace in the area at the present time. In the Lake region health unit, where Benson County is located, we have now 21 active cases with a total of 58 cases. In Turtle Mountain Reservation area we have a total of 82 cases of tuberculosis which 42 are active with 40 of them arrested or apparently arrested. We have two public-health menaces on that reservation.

Through this contract that we have with the Indian Service we have been engaged in more than just tuberculosis. We have also done considerable work, as I mentioned, in the field of venereal disease. We also have done considerable work in the field of sanitation. However, there is much to be done there.

You mentioned, briefly, the transfer of the Indian hospitals. Along with the transfer of the Indian hospitals it is my understanding that H. R. 303 also transferred the public-health activities, this bill going into effect on the 1st of July of next year.

The Public Health Service has already staffed some of the services in anticipation of that transfer. The Aberdeen office of the Indian Service has recently employed a sanitary engineer which they did not have before in hopes of doing additional work on the reservations. They have also employed a sanitary engineer on the Turtle Mountain Reservation and until recently they had one at Fort Yates.

The State health department, in all of these cases, works closely with these individuals and it is our plan, of course, to work closely with these individuals when the transfer is carried through to the United States Public Health Service. We have in the State today a hospital consultant with the Indian service in anticipation of the transfer of the hospitals. The details, of course, in regard to this transfer have not been worked out. They have not been worked out for the Public Health Service and it no doubt will be some time before all the regulations are completed on that.

They must carry through on considerable consultation with various Indian agencies as to the details of that transfer. We have not been apprised of any of those details as yet.

Chairman LANGER. Any questions, Mr. Hart?

Mr. HART. One question.

How much of the money you received under your contract is now allotted for the Turtle Mountain Indian Reservation?

Mr. SVORE. We have no contract on the Turtle Mountain Indian Reservation. We have one on the consolidated agency but that has to do with the Fort Totten Reservation. There is no contract with the Indian agency on the Turtle Mountain Reservation.

We have three contracts at the present time. They are at Standing Rock in the amount of about \$3,000; New Town in about the same amount; and Fort Totten in the amount of about \$2,400, I believe; but nothing on Turtle Mountain.

However, we have done the majority of our work on the Turtle Mountain Agency in regard to tuberculosis.

Mr. HART. Now, has any money from the Bureau of Indian Affairs been used indirectly to do that work at Turtle Mountain or has State money been used?

Mr. SVORE. Well, I suppose you could say that indirectly some of that money has been used because of the other three contracts.

Mr. HART. That is all.

Chairman LANGER. Any questions, gentlemen?

Thank you very much.

Mr. CHUMBRIS. Mr. Jerome Abraham.

Chairman LANGER. Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ABRAHAM. I do.

TESTIMONY OF JEROME ABRAHAM, FORT TOTTON RESERVATION, N. DAK.

Mr. CHUMBRIS. Give your full name, please.

Mr. ABRAHAM. Jerome Abraham.

Mr. CHUMBRIS. Where do you live?

Mr. ABRAHAM. At Fort Totten Reservation.

Mr. CHUMBRIS. Do you hold an official office with the tribal council?

Mr. ABRAHAM. No, I don't.

Mr. CHUMBRIS. Have you in the past?

Mr. ABRAHAM. Yes.

Mr. CHUMBRIS. For how long a period of time?

Mr. ABRAHAM. Two years.

Mr. CHUMBRIS. What is your occupation?

Mr. ABRAHAM. I am a farmer.

Mr. CHUMBRIS. How long have you been a farmer?

Mr. ABRAHAM. Since 1945.

Mr. CHUMBRIS. Now, are there any other business ventures that you have been in?

Mr. ABRAHAM. Yes; I am on the selective service board at Benson County.

Mr. CHUMBRIS. And anything else?

Mr. ABRAHAM. I have been appointed as a deputy game warden since January.

Mr. CHUMBRIS. I understand that you wanted to make some comments to the subcommittee at this time.

Mr. ABRAHAM. Yes.

Mr. CHUMBRIS. Will you please proceed in your own manner?

Mr. ABRAHAM. Well, the problem that I want to present to the committee is the allotment which is so-called as trust land, and also it is called as a heirship land, which the heirship is cumulating as high as 105 heirs to 140 in Devils Lake.

What can be done about it? Can anything be done to solve cumulating the heirs every year?

Chairman LANGER. That is a good question. We have a man here to answer it.

Mr. KASTLER. I wish I could answer that, Senator.

Chairman LANGER. Mr. Holmes answered it very well the other night, I thought. He said they had a list of all the heirs. Mr. Hart answered it pretty well, too.

Mr. HOLMES. In the management of it, while it is difficult, it is possible because in the past we have been able to locate every Indian owner. We have never, so far as I know, failed to lease a man's land for oil and gas due to the absence of owners, but it is an extremely difficult problem.

Mr. ABRAHAM. The point that I want to bring up is that we will say, for instance, 20 of those heirs are nonresidents. They are scattered all over the United States. We will say about 30 percent of them are minors.

Chairman LANGER. Mr. Abraham, I asked the same question, and the answer I got I thought at Fort Yates was that there is a complete list in Washington of every heir.

Mr. KASTLER. Senator, may I explain a little bit how that is compiled?

Chairman LANGER. I am puzzled as to how you keep track of the dead ones.

Mr. KASTLER. Originally a trust allotment is made on a selection which is made for a qualified Indian on a particular reservation. If that Indian should die, his heirs are the persons entitled to own the land in trust or, that is, they own the equitable title. The United States owns the title and holds it for these Indian heirs.

There was originally a provision in the law that the Secretary of the Interior could sell the land and partition the proceeds among the heirs, but the courts over the years past, since the General Allotment Act of 1887, have construed that provision to be ineffective, and so the situation goes on and on and it gets even worse as each successive death occurs.

There are more heirs. Now, those heirs are determined by a branch of the Bureau of Indian Affairs, now a branch of the Solicitor's Office, entitled the examiners of inheritance. The examiners of inheritance go in and find out who the deceased Indian was, what all of his assets amounted to, and a description of his lands, and then the examiner determines who the heirs are and that determination includes a list of the heirs owning the land. It may be appealed from to the Secretary of the Interior.

Chairman LANGER. Mr. Kastler, a few years ago I had a lawsuit before Mr. Angell, inheritance examiner. Mr. J. K. Murray, of Mott, was on the other side. There was just a little tract of land involved, and we had over 50 witnesses, and the trial took over a week.

Now, with oil being discovered in North Dakota and in Montana, you can readily see what these Indians are up against.

What, in your opinion, is going to be the solution of it? If you are going to let one other generation go by instead of 105 heirs, you will have 500.

Mr. KASTLER. Senator, I am not the person who can work out the solution, but I believe that something must ultimately be done to provide again for the selling of this land and the partition of the proceeds.

Chairman LANGER. Mr. Kastler, I was on the Indian Committee for several years in Washington, and invariably we would have the expression "Something has got to be done."

Mr. KASTLER. Yes, sir.

Chairman LANGER. Nothing is ever done. And the purpose of this hearing, as I have explained before, is to get the United States Government, their representatives, and the tribal officials, Indians, the State officials, everybody around one table to see if we cannot settle this thing in some way by passing the appropriate legislation.

I know what is going to happen with some of these Indian lands. They are going to give one heir \$5 and another \$5, and pretty soon the oil company will own the controlling interest in that piece of land, and they will steal it from the Indian.

That is about the way it is going to end up, unless something is done by the proper officials.

You said that could not happen, or someone from Aberdeen said that could not happen, because you had a list some place in Washington where you had all the heirs. Some of these heirs die leaving heirs that are not recorded I imagine?

Mr. KASTLER. That is correct.

Chairman LANGER. Unless you bring an action to quiet title on every piece of land involved, and that will be expensive and certainly is not going to help a poor man any.

Mr. KASTLER. I am sure, Senator, if you have worked on it in the past and, incidentally, failed to find the cure-all for it, that you understand that it is quite a problem. I believe you are yourself familiar with every phase of the problem.

Chairman LANGER. I am familiar with the fact that if an Indian wants a patent from Washington and writes me it takes months and months to get an answer from the Indian department. I will be delighted to show you my correspondence, when you come to Washington.

These people are not getting justice. They may get a chance to sell their land and want to sell some of those mineral rights, and by the time the department gets around to answering the letter maybe the purchaser is gone.

Mr. KASTLER. There are Indian allotments being sold every day and the land, consequently, being patented in fee to the purchaser or to the Indian who also might petition for a patent in fee.

Chairman LANGER. I will tell you what we will do. When we get to Washington you come to my office, and I have records, a file, and I will show you letter after letter after letter from some of the best

educated Indians in Sioux County who have written in trying to get patents. There would be one excuse given after another, and sometimes I wouldn't get a reply for a long time.

I appreciate the fact that people cannot always answer the letter right away. You are not the worse department. There are some that are worse than the Department of the Interior, but it is nothing uncommon to wait 3 or 4 months in order to get a reply.

Mr. KASTLER. Senator, I will be interested in seeing that, and I hope that I can find and report to you, after taking the individual cases up, that the situation has been remedied in that particular case, that is, answering the correspondence and taking the action that is indicated or requested.

As to the overall solution, though, of the heirship problem, this termination is proposed as a solution of it.

Some of you Indians don't like it, and there are other solutions being considered and excused. I don't know just where we are going on the thing, but, as Mr. Onsrud pointed out, we are trying to take one step after another.

Chairman LANGER. But how many steps all together?

Mr. KASTLER. How ever many that might be necessary, Senator.

Chairman LANGER. Mind you, I am not criticizing at all. I am just stating a condition. I am not blaming you for it or anyone else. It is something we are faced with, and we are sitting around the table and figuring it out.

Mr. HOLMES. A few years ago, it was difficult for an Indian to obtain a patent in fee. Within the last years and particularly within the last year, your regulations concerning issuance of patent in fee have been relaxed to a great extent.

Any Indian who practically can fill out an application can get a patent in fee today as rapidly as the papers can be checked and sent over to the Bureau of Land Management.

Chairman LANGER. You heard Joe Wicks testify at Fort Yates; did you not?

Mr. HOLMES. Yes, sir.

Chairman LANGER. Isn't he intelligent?

Mr. HOLMES. Joe Wicks?

Chairman LANGER. Yes.

Mr. HOLMES. I would say he is.

Chairman LANGER. I think he is. And I think he will be elected to the legislature of this State. I have been trying to get a patent for his wife, who is intelligent.

Mr. KASTLER. Who is an Indian.

Chairman LANGER. She was with Captain Baker in his household for years and years and has an excellent education.

For 3 years, I have been trying to get Marcella Wicks a patent. I will be delighted to show you a file, and I cannot get that educated woman a patent.

Mr. HOLMES. Is there anything wrong with the title?

Chairman LANGER. No. It is that she is incompetent. If she is incompetent, every Indian in Sioux County is incompetent.

Mr. HOLMES. I am amazed that she hasn't obtained a patent in fee in 3 years' time.

Do you know her name?

Chairman LANGER. Marcella Wicks.

Mr. HOLMES. I don't know what is the matter, Senator, but certainly we can make a detailed report.

Mr. MILLS. Mr. Owens Medicine has been trying to get his for 3 years and has been working in town and has excellent recommendations. Douglas Sky, the land agent, said it was going through.

Will you stand, Mr. Owens Medicine? How long have you been working in town?

STATEMENT OF OWENS MEDICINE, BISMARCK, N. DAK.

Mr. MEDICINE. I left the reservation June 16, 1943.

Mr. MILLS. 1943.

Mr. MEDICINE. I worked in Mandan, and then I moved on this side in Bismarck.

Mr. MILLS. For whom are you working at the present time?

Mr. MEDICINE. I am working for Wills.

Mr. MILLS. Doing greenhouse work and seed work?

Mr. MEDICINE. I have done everything. I was taking care of the perennial nursery.

Mr. MILLS. You have been here for 3 years now. You have been working for him for 3 years?

Mr. MEDICINE. More than 8 years.

Mr. MILLS. For more than 8 years you have been working for the same man.

Mr. MEDICINE. Here is the notation. That is the first one. Then I will give you the second one.

Mr. MILLS. Douglas Sky personally advised me that this has been approved. Last February he so advised me.

How many acres are involved?

Mr. MEDICINE. There is over 1,000 acres.

Mr. MILLS. Over 1,000 acres.

Mr. HOLMES. It is stated in the letter there as to one of the difficulties he had had. I don't know the details, but it is indicated.

Mr. MEDICINE. February 9, 1954.

Mr. KASTLER. And an impediment was removed apparently so that Mr. Owens Medicine would be able to present evidence to support his application for a patent in fee, evidence in the nature of recommendations of citizenship.

Mr. MILLS. Did you present your recommendations?

Mr. MEDICINE. Yes.

Mr. MILLS. When did you present them?

Mr. MEDICINE. That was in June. I went to Bismarck and I went to the credit bureau in Bismarck, and I went to the man I worked for almost 10 years.

Mr. MILLS. He is on the school board, isn't he?

Mr. MEDICINE. I went to the man that I rent the house from—it will be 11 years next month—and went to him and he gave me a recommendation. I went to different businessmen and they gave me good recommendations.

Mr. KASTLER. When did you send in those recommendations, Mr. Owens Medicine?

Mr. MEDICINE. I don't remember. But this was the last one that came in. I just got it the other day [handing]. They just want to stall.

Mr. HOLMES. This letter, dated August 18, 1954, states that that application has not reached the area office.

Mr. MILLS. The area office?

Mr. HOLMES. That is right.

Mr. MILLS. Then it is being held up at what office?

Mr. HOLMES. I don't know. It must be at the agency. There is no question but what a few years ago an Indian had an awful time getting a patent in fee, but there is no excuse at all for an Indian that is competent not to get a patent in fee.

Mr. MILLS. This says something about a soil test. Do they have to have a soil test for a patent in fee?

Mr. HOLMES. A soil test is occasionally made in appraisal if land is to be sold.

Chairman LANGER. Continue with your testimony, Mr. Abraham.

Mr. ABRAHAM. On the same land, say, about 20 percent of these were nonresidents of Devils Lake, Sioux Tribe. They are scattered all over the United States, and also 30 percent of them are minors, which the county of Benson is protesting that we are not a taxpayer; we are not paying our land taxes.

Well, I think this summer, they made a survey of Devils Lake, Sioux Reservation, which taxes will amount to about \$12,000. Well, we don't know just what will happen, but 50 percent of that will be around about \$6,000 a year.

Chairman LANGER. Where is the tax commissioner? Are you interested in that? Six thousand dollars looks good to you?

Mr. JAKES. Is that taxes or taxable valuation?

Mr. ABRAHAM. Real-estate tax.

Mr. JAKES. Why do you cut it in half there? I didn't follow on that.

Mr. ABRAHAM. I said 20 percent of them are off the reservation. They are not residents of that reservation. They fall heir to some trust land at Devils Lake, Sioux Reservation. You take about 30 percent of that are minors under 18, under 21, minors, boys, to about 6 months old, who fall heir to some land. Fifty percent of them are heirs of that reservation, are living on Fort Totten Reservation, which amounts to about \$6,000, which the county is sure to bother his head with it.

Mr. JAKES. The county will tax all the land regardless of where the heirs are, if it is not trust land.

Mr. KASTLER. Mr. Jakes, wasn't a survey made on that land by either a State tax commission or perhaps Mr. Landbloom can tell us if one was made by the Bureau of Indian Affairs to determine the taxable value of that land; in other words, the tax yield, if it were to be taxed.

Mr. JAKES. None by my office, to my knowledge.

Mr. LANDBLOOM. Our office made a study of that about a year ago.

Mr. KASTLER. What were the results of that study as to how much would be yielded by taxes if they were assessed by the county?

Mr. LANDBLOOM. I don't have the figures here.

Mr. HOLMES. Is that what you are talking about, what would be brought in if the land were taxed? Those were the figures you gave.

Mr. ABRAHAM. Yes; I understand it was \$12,000. It is around fifty-one or fifty-two thousand acres.

Mr. LANDBLOOM. In other words, the value of the taxation if all the trust property were assessed?

Mr. ABRAHAM. Yes.

Mr. KASTLER. As I understand it, Mr. Abraham, and I am quite sure I am right, that does not amount to a taxation of your lands?

Mr. ABRAHAM. No.

Mr. KASTLER. It merely is the result of a study that was made possibly in connection with the termination program that was proposed.

Mr. ABRAHAM. That is what I didn't understand why they made a survey for.

Mr. KASTLER. They made a survey because it was proposed to free your land from a trust status and return it to you Indians in fee simple so that if you wanted to sell it you could, and then there was a question as to how much taxes would be yielded by doing that and making the land taxable before the legal problem of whether it would be taxable or not was worked out. It was merely a study.

Mr. ABRAHAM. There is something about law and order that I wanted to bring out. I just heard that we haven't got constitutional legislation yet in the State. Is that correct? So I brought up a question, Could a girl and a boy get married tomorrow or could they get a marriage license?

Mr. CHUMBRIS. In the county?

Mr. ABRAHAM. Yes, in the county.

Mr. CHUMBRIS. In Benson County?

Mr. ABRAHAM. Yes, Benson County.

Mr. CHUMBRIS. Mr. Thoresen?

Mr. THORESEN. They are citizens of the State of North Dakota and of Benson County. There is no question about that.

Mr. ABRAHAM. They claim we haven't any constitutional legislation in the county.

Mr. CHUMBRIS. Mr. Thoresen is the assistant attorney general for the State of North Dakota, and he explained it fully. And were you here this afternoon when he explained the attorney general's opinion and the effect of it?

Mr. ABRAHAM. Yes.

Mr. CHUMBRIS. He states that as far as the application is concerned they are free to go ahead. The only question which arises there is the duties of the sheriff and your State's attorneys in Benson County, whether they have any jurisdiction of the enrolled Indians on the Indian reservation, as I understand.

Is that correct, Mr. Thoresen?

Mr. THORESEN. Yes.

Mr. CHUMBRIS. Right now there appears to be a vacuum as to whether there is any law and order. It doesn't seem like we are going to get an answer to that question within the next couple of days, but the Aberdeen office is working on it, and they hope to come to some decision as to whether they should step in; and there is evidence of a court test to be made pretty soon to determine whether the attorney general's opinion is correct or incorrect.

The attorney general stated that the reason they issued the opinion is to make sure that the question is clarified once and for all.

Mr. ABRAHAM. I understand that as soon as the Allotment Act, and as soon as the reservation was opened for homesteaders, we didn't have no reservation. It is just a community now.

Chairman LANGER. Mr. Holmes ought to know whether it is a reservation or not.

Mr. HOLMES. What he has reference to, Senator, is that you often hear there is a statement as to the difference between an open and closed reservation. A so-called open reservation is one where land has been ceded to the Government by one of the old treaties or agreements. Actually, Indian country is defined by statute.

There is one definition for the 10 major crimes, and there is another definition for the Indian liquor law. His reservation is defined by both of those statutes. His reservation is or is not Indian country, depending on those definitions.

He is under a little bit of a misapprehension about the exact statutes of the reservation.

You still have a reservation, Jerome, and your reservation is defined by Federal statute. The fact that the land was ceded on your reservation and that your reservation is a so-called open reservation does not alter the fact that it is still Indian country or not Indian country, as defined by the Federal law.

Mr. ABRAHAM. But this law enforcement, why is it that everything is protected in the State of North Dakota no matter if it is just wild game it is protected by the State?

Now, what has happened in Benson County on Fort Totten Reservation?

Mr. CHUMBRIS. You mean recently why there is no law and order?

Mr. ABRAHAM. Yes; are they going to deliver us into a T suit now?

Mr. CHUMBRIS. I can understand your anxieties, Mr. Abraham, but as we stated, as Mr. Thoresen stated as of the date of the opinion the Benson County officials do not have jurisdiction of enrolled Indians on the reservation. In the meantime, the Indian service has not had time to look into the question and provide law enforcement on the reservation, if it is within their jurisdiction.

So, we will have to wait a few days to have that question answered. We can assure you that if there is anything that this subcommittee can do to expedite the matter, it certainly will be done.

Is that right, Mr. Chairman?

Chairman LANGER. Certainly.

Mr. ABRAHAM. If there is any law that has been violated at the period of the time that we have no jurisdiction, could that be prosecuted after we have jurisdiction?

Mr. MILLS. Yes.

Mr. CHUMBRIS. As a matter of fact, I think your State's attorney is here, Mr. Christianson, a very excellent attorney and State's attorney, and your sheriff was here, and he was at the meeting yesterday at Fort Totten, Walter Crane, and they stated that they will do everything in their power to keep everything under proper order the best they can under the circumstances.

Mr. THORESEN. Talking about lack of law enforcement machinery because of this opinion, all that opinion does is to throw the thing in the lap of the United States district court. There is no lack of jurisdiction.

Mr. MILLS. May I answer that question, Mr. Chairman?

Chairman LANGER. Yes.

Mr. MILLS. The Assimilated Crimes Act which you refer to does not have jurisdiction over crimes committed by one Indian against another Indian.

Am I correct in that?

Mr. HOLMES. I believe that is right.

Mr. MILLS. Are you in agreement with that? If you aren't I would like to know.

Mr. KASTLER. I really don't know.

Mr. HOLMES. My only personal opinion is that the Assimilated Crimes Act is broad enough to take care of that situation over there.

Mr. MILLS. Mr. Hart, what is your opinion?

Mr. HART. As between Indian and non-Indian for non-10 major crimes?

Mr. MILLS. Whether the Assimilated Crimes Act applies on a crime of Indian against Indian.

Mr. HART. According to that one circuit court of appeals case, I believe it applies to Indian against non-Indian, if the offense is not in violation of the code of tribal offenses.

Mr. MILLS. Mr. Hart, you are begging the question. What I asked was whether it applied in a case of one Indian against another Indian.

Mr. HART. In some cases.

Mr. HOLMES. Is that *U. S. v. Williams*?

Chairman LANGER. Call the next witness.

Thank you very much.

Mr. CHUMBRIS. Mr. John McClung.

STATEMENT OF JOHN McCLUNG, STATE DIRECTOR, FARMERS' HOME ADMINISTRATION, BISMARCK, N. DAK.

Mr. CHUMBRIS. Will you, please, state your name, address, and official office?

Mr. McCLUNG. John McClung, State director of the Farmers' Home Administration, Bismarck, N. Dak.

Mr. CHUMBRIS. Mr. McClung, during the course of these hearings we have received several questions and perhaps several complaints about the inability of Indians to obtain loans. Precisely, they would like to find ways and means in which they will be able to obtain loans like non-Indians do. That is the impression that they have.

Could you shed some light on the subject wherein there might be difficulties as applied to them that would not apply to non-Indians, or certain security that has to be put up first that they cannot meet; in other words, give us an answer to those particular complaints and questions that were raised by these people?

Mr. McCLUNG. I am assuming you are referring to Indians on reservations.

Mr. CHUMBRIS. Yes.

Mr. McCLUNG. That is the problem. Well, we are conscious of the problem and have been for some while. A couple of years ago, in fact, we met with the folks from the various reservations and from the Bureau of Indian Affairs to get at this problem because it is one of referral, as we see it.

As perhaps you know, we have a county committee in each county who must certify each loan before we can make it and our county committees wouldn't be acquainted with these Indians on the reservation.

So we would want to set up some system of machinery by which they would know them and it was agreed that the tribal council should refer them, and that would give them some place to go and make known their desires, and they could do that at the reservation headquarters, you see; but very few have been referred; in fact, far fewer than we had thought. I thought there would be quite a few.

Mr. CHUMBRIS. You mean the tribal council has not referred them to your office?

Mr. McCLUNG. That seems to be the thing. Very few of them have come to our attention.

Now, we have made a few loans, I believe, and we have cleared them in every case because the committeemen wouldn't know them. I explained that before. I don't know how else to get at it.

You can't expect the county committee to certify people they don't know. They live on the reservation far from these committeemen and they say, "Why, we don't know about them at all," we set that up in this State. It is our own little innovation, and we thought it was going to work, but it doesn't. I guess you could say from the volume of Indian loans we have made it doesn't work.

Maybe they aren't applying. I don't know. Maybe the Bureau of Indian Affairs is taking care of all these financings. I gather you think not from your other hearings.

Mr. CHUMBRIS. Mr. Landbloom, you went into it rather thoroughly with the tribal council, and I don't know whether I have stated the question properly to Mr. McClung. Would you bring out what the issue was that the Indians raised at these various hearings? You followed all three of them.

Mr. LANDBLOOM. Well, they seemed to be rather emphatic about the point that their own program was inadequate and that they were being advised to get outside credit, which is also a part of the policy of the office, because the type of credit that we had was peculiar to the Indian service, and when they went to FHA they seemed to come up against wall because they could not get the job done.

I remarked at the hearings over there that we have had similar conferences with the FHA people in North Dakota, as well as in South Dakota. I didn't bring out at that time, but I will bring out now, that in our meeting with South Dakota, with Mr. Lassiter, who is the assistant administrator from Washington, I believe we got the impression that they were making a different type of loan than they had been for a number of years. That is, the program had been originally set up to help more or less shoestring farmers and people that had fared rather badly through the drought years but, after having worked that type of program for a number of years, they felt that they had to go to a little different type of program which was a security program.

Mr. McCLUNG. I wonder if I could answer that part of it right there? The only change that I know of, if it is a change, and I have been in the program all through the years too, is that we are committed to the economic farm unit; that is, this family, whether it be Indian or non-Indian, must have under his control a suitable, soiled farm that will make his living and pay off his debt.

I guess back in the thirties, under farm security or resettlement, that is, before the Farmers Home Administration, we did make what you

might call shoestring loans or whatever they were, but some of those loans were made on too small units, and that is poor business, and I don't think we should take any Indian family or any family and put a heavy loan over their head where they cannot meet it.

That is the only change I know of.

Mr. LANDBLOOM. It doesn't apparently cut down the opportunity for them to qualify for the FHA program. That was the point made. There also was a point made that I believe you have a ceiling on your loans that does vary somewhat from county to county in the amount of money that you can put out to an individual borrower?

Mr. McCLUNG. That is real estate.

Mr. LANDBLOOM. Either one or both or a combination?

Mr. McCLUNG. I don't believe so. There is a limit on real-estate loans within each county and that is in accordance with the law, established by the Secretary of Agriculture; but I don't believe that is a prohibition that would restrict Indian families from owning land. That is not the sticker.

Mr. LANDBLOOM. They would have to use a considerable portion of this money to buy the land and it might be too heavy a load to put in your livestock and farming enterprise.

Mr. McCLUNG. Those are separate loans. There is no connection between the chattel and real estate loan. There is in the total debt structure, of course.

Mr. LANDBLOOM. Well, nevertheless, it has not resulted in too many loans being processed, and there were some questions being asked as to just why and whether it was a referral back and forth.

Chairman LANGER. Have you made 10 loans to Indians in reservations during all the time you have been in there?

Mr. McCLUNG. Yes; we made that many this year, but most of them were crop-production loans. It depends on what type of loan you were talking about. I wanted so badly to make some real-estate loans and set them up with the chance to own their home some day.

We have tried and almost get one made and something happens. Someday I am going to make one, and I am going to tell you about it.

You would think somehow we could make one of that kind and say to that Indian family, "When you pay this back you are going to have your own home there, and we have financed it."

Mr. CHUMBRIS. You are referring to Indians on the reservation?

Mr. McCLUNG. That is real estate. We have made crop production, but they are quick loans.

Chairman LANGER. You haven't made a single real-estate loan?

Mr. McCLUNG. Not to my knowledge.

Mr. CHUMBRIS. Have you made loans to Indians off the reservation?

Mr. McCLUNG. Yes.

Mr. CHUMBRIS. Just like anyone else?

Mr. McCLUNG. Yes. They come before the committee and we process them. We don't keep a separate report. We don't want to point out that this is an Indian and this not.

Mr. CHUMBRIS. From your own knowledge, knowing the people, how many have you made, approximately?

Mr. McCLUNG. They are few, of course. The opportunities for Indians to move off a reservation and get established in the com-

munity are limited, as you know. I don't know that I could answer your question, just offhand.

Chairman LANGER. Mr. Hart.

Mr. HART. That is all.

Chairman LANGER. Mr. Mills.

Mr. MILLS. No questions.

Chairman LANGER. Any other questions?

Thank you very much.

Is there anyone here wishing to testify?

Mr. CHUMBRIS. Mr. McKay, will you come up? I think you wanted to complete something today that you didn't get a chance to complete yesterday at Rolla.

TESTIMONY OF ALFRED MCKAY, VICE CHAIRMAN, TRIBAL COUNCIL, FORT TOTTEN RESERVATION, N. DAK.—Resumed

Mr. MCKAY. That was just to fill in the file with the resolution that has been passed and the communications that were sent that were not answered. We didn't get to the office last night and didn't get in there this morning. So we will send them to you.

Mr. CHUMBRIS. Will you also make sure you send me those pictures, Mr. Goodhouse?

Mr. GOODHOUSE. Yes, Mr. Chumbris.

Mr. CHUMBRIS. Thank you.

Chairman LANGER. Mr. Hairy Chin, we will hear you now.

Do you solemnly swear that the testimony you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HAIRY CHIN. Yes, sir.

TESTIMONY OF FRANCIS HAIRY CHIN, BISMARCK, N. DAK.

Mr. CHUMBRIS. State your full name, please.

Mr. HAIRY CHIN. Francis Hairy Chin.

Mr. CHUMBRIS. Where do you live?

Mr. HAIRY CHIN. Right here at Bismarck.

Mr. CHUMBRIS. What do you do?

Mr. HAIRY CHIN. Construction.

Mr. CHUMBRIS. What is your street address?

Mr. HAIRY CHIN. 710 South 17th Street.

Mr. CHUMBRIS. How long have you lived in Bismarck?

Mr. HAIRY CHIN. Well, off and on I would say the period in between about 8 or 10 years.

Mr. CHUMBRIS. How long have you been doing the work that you are doing?

Mr. HAIRY CHIN. Oh, I had other jobs. I had factory work besides construction work.

Mr. CHUMBRIS. Have you served in the Armed Forces?

Mr. HAIRY CHIN. Yes, sir.

Mr. CHUMBRIS. For how long a period of time?

Mr. HAIRY CHIN. Three years.

Mr. CHUMBRIS. What years were they?

Mr. HAIRY CHIN. They were between the years of 1942 and 1945.

Mr. CHUMBRIS. Would you please state what comments you would like to make at this time?

Mr. HAIRY CHIN. Here is what I wanted to find out. There are a lot of Indians who are competent and refuse to be competent. What are we going to do with them? Competent to become American citizens, I mean, if they tried.

Chairman LANGER. The only one who can answer that question is John Hart. He is sitting right over there. Will you repeat the question to him?

Mr. HAIRY CHIN. What are we going to do with some of these Indians who are competent and have enough education and can get along and who refuse to be competent, declared competent since the passage of this law? I think it was a congressional law, I believe 108 termination law.

Mr. CHUMBRIS. Did you want additional facts?

Mr. HART. No; I don't believe so.

I believe that you are presenting there, Francis, a terrifically important question. There are many Indian people who are receiving services from the Bureau of Indian Affairs who are extremely competent, who should be on their own. For instance, Superintendent Curtis is one that is commonly known.

I sometimes think, Senator, that the Indian service spends so much of its effort and the moneys appropriated by Congress taking care of certain Indian people that are competent and educated enough and should be on their own.

I am strictly of the opinion that either the Bureau of Indian Affairs, administratively, and if they will not do it, Congress should take affirmative action to sever the responsibility of the Government for certain competent Indians along the line of the competency bill.

One of the things that has bothered me very much is Indian people who could afford to pay for hospitalization and who should be paying for hospitalization and who would be paying for hospitalization if they were outside of the reservation using the services given for the Indian people, and then poor Indian people who cannot afford it are denied some services because all of the money has been spent.

I think, Mr. Hairy Chin, that you hit a very important question that is of paramount importance, and needs affirmative, aggressive action administratively on the part of the Bureau of Indian Affairs and perhaps congressionally.

Mr. CHUMBRIS. Mr. Holmes says he thinks he can give an answer.

Mr. HOLMES. It is not necessarily an answer but a firmer observation.

Under present law, we have no authority to issue a patent-in-fee to any Indian holding trust land regardless of how competent he may be or regardless of his degree of blood or what we may think about it. There is no legal authority for the issuance of patent-in-fee unless he makes application. He might hold a Ph. D. degree and might hold trust land, and we can't give him a patent-in-fee unless he puts in an application for it.

Mr. CHUMBRIS. I believe the question of the witness is what affirmative action can we take such as social action, not so much legislative action, to induce these people to become full-fledged citizens with full competency and meet all the requirements of the statute.

Is that what you have in mind?

Mr. HAIRY CHIN. That is right.

Mr. CHUMBRIS. It will have to be something not within the law itself but within the person himself to induce him to accept full competency.

Mr. HAIRY CHIN. To strike out on their own.

Mr. KASTLER. At present it is tremendously true, and everybody knows it, that there is an inducement for the Indian not to become competent because if he declares himself competent and petitions for a patent-in-fee, first he must pay taxes and second, to a large extent, he must sacrifice the benefits that have been given to him over the years by the Bureau of Indian Affairs.

Mr. HART. It has often been said that a competent Indian who applies for his patent thereby proves that he is incompetent.

Mr. HAIRY CHIN. In the question of application for patent-in-fee, I have already done it, and I got the same answer back as Mr. Owens Medicine, that this land was supposed to be tested for soil conservation first before it could be approved.

I can't see why this soil has to be tested. Who knows what I am going to do with it? Maybe I might sell it or maybe keep it. I think this is entirely my business after that.

Mr. KASTLER. I agree with you.

Mr. HOLMES. We agree with you.

Mr. CHUMBRIS. You have asked a question. I wonder if you could help to give a solution.

Although this is not a perfect example, it is like a person who comes from a foreign country and never applies for citizenship in the United States and maintains that citizenship of the foreign country. There would be certain advantages he would gain if he gained United States citizenship.

What suggestions would you make if you were called upon to be a leader of your people to urge them to become competent?

Mr. HAIRY CHIN. I will tell you. I would seek their needs and accomplishment and fulfillment as rapidly as possible by individually seeking their problems. We all have problems. We talk about Indian problems. We will have to get down to the individual.

I told Mr. Hart here one time that the Indian is not a problem. It is the problem of the Indians. If we get at the problem, the individual problems of these Indians, we can do away with this mess in a little while.

Another thing that would hasten integration—we will start right from the beginning within the Government. The separation has actually put the Indian without a government. In consequence, he is without any government rule through faulty tribal governments and irresponsible people who think they know how to run the government. They don't, you see.

Chairman LANGER. You are dead right.

When the Republicans are in, the Democrats say they are not competent; when the Democrats are in, the Republicans say they are not competent.

Mr. HAIRY CHIN. This might cover the whole State, and we will say we will have an efficient government. That is the thing on the

reservation. There is no social control. You talk about ADC. That all points to the fact that we are without a government.

Mr. CHUMBRIS. You are referring to the tribal government. Were you referring to that as well as to the overall government?

Mr. HAIRY CHIN. Most of their law enforcements are not severe enough. I think if we have severe law enforcements, most of these Indians will make readjustments and it will psychologically affect their minds so that they behave themselves.

Chairman LANGER. We have run across this fact in these hearings. They elect a tribal council and immediately they say that tribal council is incompetent and proceed to make all the trouble they can for the tribal council and get rid of them. They come along and elect a new group a short time later, and you have the same thing over again. We found that at Elbowoods and New Town the other day. You were not there.

Mr. HAIRY CHIN. I just got there.

Chairman LANGER. Mrs. Kelly can tell us about that. She went to Washington and is told she is unofficial. Is that right, Mrs. Kelly?

Mrs. KELLY. Surely.

Chairman LANGER. It is a case of the ins and outs.

Have you a solution of how to make a competent Indian declare himself to be competent?

Mr. HAIRY CHIN. It has to start with integration of law enforcement, education, health, everything.

Chairman LANGER. We will come back to Mr. Hart. He is the expert in North Dakota.

I do not see how you are going to make a man declare himself competent, do you, under the Constitution of this country?

Mr. HART. No, Senator; I don't. But by the same token, I don't see where the Government of the United States should be spending its funds.

I will follow your argument. We should not be putting money in Europe when we have need here. I will take it closer. What money the Government does appropriate here should not be used for those people who can take care of their own needs. It should be used for people having actual need.

In many of the hospitals, in many of the services, including the services for land management, those services are given for people who could, in many instances, manage their own property. Let us take what money we have and put it where the need is.

As a further example, there is the discrepancy between money used for law enforcement per capita between Fort Berthold and Turtle Mountain. The discrepancy is out of line. There is too much money going here because this wheel squeaks, as I see it. I believe a lot of those things are correctable, administratively, and I am honest when I say that. Sometimes I am not honest, but in this case I am.

Chairman LANGER. It is strange that the very last question asked of the subcommittee is the most intriguing of all. It is interesting to think of how are you going to approach an Indian who is worth half a million dollars, as in some of the cases in Oklahoma, who still says he is not competent.

Mr. HART. Why would you have to give him any Government services, if he is competent?

Chairman LANGER. He is still incompetent under the law. I think the man who asked the question is smart enough to figure it out for us. Can you do it?

Mr. HAIRY CHIN. Well, the only way I can see is force; force those who are competent out and I think that will start a headway of really Americanizing the Indian and actually becoming on the same rights, equal rights, as American citizens.

Chairman LANGER. Would you give the Indian Commission the authority to declare a certain Indian competent when he did not make any application?

Mr. HAIRY CHIN. Well, a soldier should be declared competent from the first time he comes out of the Army.

Mr. HART. Shouldn't a man with a college education be competent?

Mr. HAIRY CHIN. Sure.

Chairman LANGER. I doubt that.

A lot of fellows with college educations among non-Indians work for a fellow who never went through eighth grade. They have Phi Beta Kappa keys and are working for the other fellow.

Mr. HAIRY CHIN. Say a child is born outside of the reservation. He could be declared competent right away and not enrolled in the reservation.

Chairman LANGER. Mr. Hart would object to that because he figured that would be one scheme of impelling them to go back to the reservation.

Mr. HART. That is correct.

Mr. CHUMBRIS. Mr. Chairman, I think the witness is the only one who has been able to stump the experts.

TESTIMONY OF WILLIAM L. GIPP, STANDING ROCK TRIBE—Resumed

Mr. GIPP. Mr. Chairman, I was asked that question in Washington last July: How would we determine an Indian competent? I told the legal attorneys at the Indian Bureau down there that if they would send out a representative to contact each individual Indian and say to this Indian: "Do you want a patent for your land? Do you want to pay taxes? Do you want to give up the free education that your children will get? Do you want to give up your medical services? If he says 'Yes,' he is incompetent."

Mr. CHUMBRIS. Thank you, Mr. Gipp.

Chairman LANGER. Friends, I certainly want to thank the gentlemen from the Aberdeen office for their unfailing courtesy to this subcommittee. When I get back, I will write the Attorney General a letter and thank him for designating you to come out here.

I want to thank the Attorney General's office for sending out Mr. Paul Thoresen, an old and dearly valued friend of mine.

I want to thank Mr. Hart for the great assistance he gave me and the United States attorney here.

I want to ask Orris Nordhousen, who has attended these meetings, to say a few words, just giving his impression of what he thinks these meetings have accomplished in the layman's mind.

STATEMENT OF STATE SENATOR ORRIS G. NORDHOUGEN, BENSON COUNTY, N. DAK.

Mr. NORDHOUGEN. Mr. Chairman and members of the committee, having attended the hearing at Rolla yesterday and the hearing here this afternoon, I have been encouraged by the proceedings, by the remarks made by the witness, and I think it is an inspiration to a person, who is a citizen of North Dakota and, particularly, a citizen of the county in which lies a reservation which has quite a problem, Benson.

It is, likewise, very encouraging to a person, who was a member of the legislature and helped father the legislation that created the North Dakota Indian Commission. I think that the North Dakota Indian Commission, because of its need, has done a good job and has helped bring about many of the problems that are going to be answered from this 4-day hearing.

I do know that the counties that are involved and in which the Indian reservations lie, the counties of Sioux, Mercer, McKenzie, McLean, Dunn, Rolette, Benson, and Eddy have had an extraordinary problem with their Indian population because of the many interferences that the public feels have existed.

I want to be very brief, Senator, but I want to make this in the way of a comment. I feel that the Indians have been pushed aside by society in many, many instances, because the folks within the area did not know their problems and did not know them. I think, and do know for a fact, that that was one of the reasons that created the North Dakota Indian Affairs Commission. I do know that it came about because of the problems existing in Benson and neighboring counties, particularly, Rolette.

And in behalf of those two counties, I want to say that those two counties have roughly half of the Indian population of the State, which is approximately some 11,000, or thereabouts, having some of the poorest land in North Dakota, with the exception of Sioux. And those folks are not able to make a livelihood, under any condition, if the chance were given them.

So, again, by hearing this last witness and the various remarks made, in some cases why do you blame them for not wanting to be competent and be a person responsible to carry his part of the burden?

We who live in that area and who are tax conscious, to some degree, recognize that they, in turn, the Indians, are perhaps an extra burden to the people within the area of the county who are paying taxes. That is true, and particularly so has it been with Benson, as has been pointed out, because of law and order, policing.

I say, roughly, again, that the Indian population of the State, taken in the 1950 census, is about 3 percent of the total population of the State.

We who have these problems can easily adjust ourselves in our own areas to invite those residents of our area of the reservation into our society, and I think the State of North Dakota will gladly do the same thing, if, in turn, the people, who have been responsible for some of the burdens and the hardships brought upon the Indian, will qualify themselves to such a point that they will cooperate with North Dakota and cooperate with the counties that have these problems and cooperate with the individual so that, as this gentleman said, it will acquaint them with their responsibility.

We in North Dakota, with that 3 percent of the population, that 15,000 to 18,000 people, can nicely take care of our Indian population within the State.

But may I say this to the people who are responsible: We know that, as has been pointed out, it is beyond their jurisdiction, but they can bring the message back home that we ask of them the fullest cooperation of the area office at Aberdeen and the offices in Washington of the Department of the Interior to give to North Dakota its full consideration, to go along with the citizens, Indian citizens, the citizens of North Dakota as a whole, and the people who are going to be all called North Dakotans.

Thank you.

Chairman LANGER. Thank you, Senator Nordhousen.

Mrs. Kelly, will you say a few words for the Indians? You have been most kind and gracious, all of you Indians.

TESTIMONY OF MRS. JOSEPHINE KELLY—Resumed

Mrs. KELLY. Thank you very much for giving us this opportunity. I appreciate that.

I came up here because it interested me. I am an Indian, and I know their troubles. I could be off the reservation, living in Chicago, or some place, with some of my nephews or daughters.

I know the problem of the Indians. I know how they live on the reservation. That is why I stay right at Fort Yates.

Just like I told you yesterday, a lot of our troubles are caused by too much administration, the Indian Bureau. The Indian Bureau has been building themselves up for years. That is where we were at. When we were wild and woolly we didn't have the administration we have now. We were competent then, but through experimentation by the Indian Bureau on us we are now down to bedrock.

Mr. Hairy Chin is one of our competent Indians. He can get off the reservation and live right in Bismarck. We have several Indians in Bismarck who have been here for years. They are competent.

Just because we have our land in trust they call us incompetent. A few years back the Indian office wrote to me and said, "Your patent is here at the agency. Come and sign up for it. We are declaring you competent." So, of course, I did, after 2 or 3 letters written to me. I put my land on the tax list and paid taxes. And then when I went broke and couldn't pay taxes any more it was mortgaged, and I had to foreclose, and so forth, and lose my land.

There is a man back there. I got him a patent 2 weeks after he came to me and asked me to write. I wrote to Senator Langer all the time. He knows that. I have another letter from here. I have a letter from Representative Burdick. I bother Senator Langer and Senator Young and Usher Burdick. Every day I write, not for myself, but for the Indians.

I have one land deal in the area office in Aberdeen since 1951, and it is still not approved by the area office. Everytime somebody goes down there, I send a message to Rex Barnes. "All right. I will have to attend to this right away." It is still in the Aberdeen office.

That is our official there. We have a lot of things at the office there, but the poor Indians have to wait and wait.

When I got my patent it was a forced patent, just threw it at me. I lose my land. The poor Indians applying for patents now have to go on rules and regulations. Here is a list of questionnaires that they send the different white people and businessmen that have to be filled out before the Indian office at Fort Yates can send it into Washington. All rules and regulations.

Chairman LANGER. That will be entered into the record. Let that be exhibit No. 30.

(The document referred to was marked "Exhibit No. 30," and reads as follows:)

EXHIBIT No. 30

QUESTIONNAIRE ON APPLICATION FOR PATENT IN FEE

An application for patent in fee has been filed by _____ of _____ for certain lands that he has in the amount of _____. Before we can intelligently pass on the application favorably or adversely it will be highly desirable that we have your frank opinion as to the capability of the applicant to handle his affairs without any Government supervision. Please answer any questions of which you have some knowledge and you are requested to make any additional comments under remarks that you think have a bearing on this case.

CHARLES S. SPENCER, *Superintendent.*

1. Has the applicant progressed to the point where he will be able to pay taxes on the land should the restrictions be lifted?
2. If you have done business with the applicant, would you state that he has met his existing obligations?
3. What is the extent of the applicant's education and the nature of his training and experience and the manner in which he has demonstrated his ability to manage his own affairs without assistance or supervision, including business experience?
4. The extent to which he has made an adequate living for himself and family; to what extent he has required assistance from the Government, tribe, or other agency or organization in the matter of loans, relief, old-age assistance or aid to dependent children, unemployment compensation, old-age and survivors insurance, and any other aid?
5. What assets, including land and improvements, farm equipment, livestock, etc., does the applicant or his family have in addition to the land involved in the application? What property has the applicant acquired through his own efforts?
6. Why does the applicant want a patent or the restrictions removed? If the property is to be sold or used as security for a mortgage or loan, what are the circumstances which require the need for funds? Are such funds available through reimbursable loans, tribal or Federal? Have all other means of obtaining such funds or meeting the need been considered and exhausted so that disposition of the land is the last resort?
7. Will the lifting restrictions on the land provide permanent improvement in the condition and income of the family? Has the family been dependent solely on the income produced by the land in question? Has it been necessary for the applicant to supplement such income through permanent or seasonal employment? Has the applicant obtained employment to provide a reasonable standard of living for his family when it was necessary to do so? What is his record of employment?
8. The manner in which applicant has used assets and funds coming into his possession, whether through earnings, inheritance, or otherwise.
9. Would the sale or other disposition of the property seriously affect the interests of other Indians in the community or area, or the tribe?
10. Has the applicant the ability to negotiate and arrange for any sale or mortgage of the property and obtain a fair market price; to use prudently or invest such proceeds to the best interest of his family?
11. Are there minerals, timber, water, or other resources on the land which have a present or potential value, which should be protected and conserved for the benefit of the applicant and his family?

12. What is the attitude of the tribal governing body toward the request of the applicant and would the disposition of the land create a problem of having to provide tribal benefits, including relief, assignment of lands, etc.?

13. What has been the home life and situation of the applicant and will the disposition of the land create family problems or make him or his family dependent on relatives, the Government, tribe, or county? Will the disposition of the land assist in the rehabilitation of the applicant?

Remarks : -----

(Title)

Mrs. KELLY. I want to add another list of petitioners here. I will leave it with you. It is a petition to abolish our tribal council from using our funds illegally, spending it foolishly.

This winter there is going to be a lot of trouble. Mr. Hairy Chin and Mr. Owens Medicine live off the reservation. Frances was separated from his little boy for a good many years because he wanted the health of his little boy to be protected. It was hard. He let his little boy go. I saw him. Indians have done those things to try to protect their children from health, and so forth.

The other night I took a sick person to the hospital. The doctor said: "Listen here, Mrs. Kelly. I will have to examine her first because we don't want to take in boarders here." What do you know about that. She was sick and I took her.

There is a copy of the petition that was sent to Secretary McKay against the Wheeler-Howard Act. I am going to leave it with you. The Indians have been against the Wheeler-Howard Act ever since it was introduced. We had a lot of money spent on the reservation against that act.

Chairman LANGER. It will be received and filed, Mrs. Kelly.

(The document referred to was marked "Exhibit No. 31," and filed for the record.)

Mrs. KELLY. Thank you so much.

This is the petition and this is the Wheeler-Howard Act petition there.

They wanted that bill repealed. They made us vote on constitution and bylaws, and so forth.

I sure thank you for giving me this few minutes, and I appreciate you coming out. I hope that the Indians, without rules and regulations, can be taken care of better this winter. A lot of us have no homes. I am one of them. You ought to see the homes. That is why I said if you people went direct to our homes you would find it.

Chairman LANGER. I particularly want to thank Father for coming all the way here today. Thank you very much, Father.

Mr. CHUMBRIS. Mr. Chairman, let the record show that Mr. Francis Hairy Chin, chairman of the Association for the Advancement of the American Indians, is submitting a letter that he has sent out to his Indian friends on trying to obtain competency.

You want this introduced into the record and made a part of the record?

Mr. HAIRY CHIN. Yes, sir.

Chairman LANGER. That document will be inserted into the record.

Substantiation of a better Indian legislation is one fundamental factor needed to reduce the consequences of near anarchy constituted by irresponsible and faulty miniature governments.

Substantiation of some transitional formulas be determined to end expensive segregation and political isolation of the American in general.

FRANCIS HAIRY CHIN.

Mr. CHUMBRIS. Is there anything else?

Mr. HAIRY CHIN. I hurriedly scribbled this. I don't know whether you will read this or not. In case you should be able to determine what is written here, I think you would be able to read it.

We are in favor of a desegregation policy. I mean it is going to have to be financed by the Federal Government until such time as the Indian himself will be able to pay for his own government.

Mr. CHUMBRIS. You submit it and we will take it and make a thorough study of it.

Chairman LANGER. It will be inserted.

(The information referred to was marked "Exhibit No. 32," and reads as follows:)

EXHIBIT No. 32

ASSOCIATION FOR THE ADVANCEMENT OF AMERICAN INDIANS

Friends we have organized a movement by which we hope will solve our own problems.

In these past years, we American Indians have become a major problem to the state.

What are the causes? That is a very simple question. We have been wards of the Government too long.

For many years the American Indians have been isolated from the rest of the American people on Indian reservations.

If it were not for these Indian reservations, we would not have constituted a major problem today. We Indians have been victimized by the spoils of segregation.

Through this organization we hope to prove that the Indian has not always been a misfit in the white man's world.

This sort of an organized movement has never been attempted or tried before. The success of this organization depends on how much support we get from thinking Americans and Indians themselves.

Our aim is education, to give the Indian a grasp of himself in his proper relation to his social world, its institutions, and its problems. Our goal can only be realized by how much faith we have in God and country.

FRANCIS HAIRY CHIN,
Chairman.

PETER LOOKING HORSE,
Vice Chairman.

ROBERT RED BOW,
Secretary.

Mr. CHUMBRIS. Thank you very much.

Chairman LANGER. The statement submitted by Mr. H. W. Case will be inserted into the record at this point.

(The statement referred to reads as follows:)

STATEMENT SUBMITTED BY H. W. CASE, REGIONAL DIRECTOR, RACE RELATIONS,
NEW TOWN, N. DAK.

JUVENILE DELINQUENCY, FORT BERTHOLD RESERVATION, N. DAK.

This matter of delinquency on the Fort Berthold Indian Reservation of the present day is not something that has just cropped up all of a sudden. One must look back several years and be mindful of much that has been taking place and affecting Indian life. Never have they had too much to say about policies and programs. Much of the planning has been superimposed upon them. It takes too long for the non-Indian in authority to determine what the Indian is thinking himself, so as a rule a seemingly more important minds tells him what he should have and do and then wonders why he does not do it or why he does not participate. There have been many adjustments for him to make, many of which he has done remarkably well in spite of the fact that he did not wholly agree or understand. He has become tired of having things done for him but would

rather have one work with him. He has resented being sort of kicked around and so often left out of the picture as a participant.

This feeling has been paramount among the older group, rules and regulations of tribal affairs often turning brother against brother, making enemies, and because of this the children of today are but reflecting the restlessness of the parents, let alone the resentment. We could have been more tactful in the matter of dislocation brought about by the Garrison Dam. However, it has taken place and we all are concerned now as to what can be done to improve the situation. In the first place, we must search out the Indian thinking on the matter. Here is the place for a community analyst, either a sociologist or anthropologist. Such an office was created a few years back and much ground was gained and then the position was abolished. Made some inroads and then quit, again the Indian felt himself let down. It seems to me such a trained leader would be most invaluable to assist the Bureau of Indian Affairs toward their objective in Indian administration. I have every confidence in the ability of the Indian to bring order out of the present confusion, amongst both children and adults, if given a chance by cracker-barrel community discussion groups, etc. Juvenile delinquency on Indian reservations as it is spoken of today can be lowered considerably if we will but look at it as a human problem affecting Indian life. Much can be written as to the causes of this delinquency and, as for corrective measures, I would like to make the following recommendations.

1. A greater voice in their own affairs. Guided by one whose task and training would be that of bringing about a consensus of opinion and to help them to express themselves. Bringing about a closer participation in educational matters. Even without authority their voice should be recognized.

2. A director of recreation, affecting both the school as well as the community life. This would result in a unifying force.

3. Reservation employment for the young married couples making use of our North Dakota clay deposits with which our people would prove very skillful. Perhaps some byproducts of the oil and coal deposits. This would give part-time employment and would result in bettering the general conditions.

4. Continuing the placement program, off-reservation work.

Chairman LANGER. The meeting in North Dakota is adjourned.

(Thereupon, at 5:40 p. m., Thursday, October 14, 1954, the subcommittee recessed, to reconvene at the call of the Chair.)

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